

**General Assembly**

Fifty-third Session

66th plenary meetingMonday, 23 November 1998, 10 a.m.
New York

Official Records

President: Mr. Opertti (Uruguay)

The meeting was called to order at 10 a.m.

Agenda item 59 (continued)

Question of equitable representation on and increase in the membership of the Security Council and related matters

Draft resolution (A/53/L.16/Rev.1)

Amendment (A/53/L.42)

Mr. Sychou (Belarus) (interpretation from Russian): I should like first of all to join in the words of gratitude expressed in this Hall to the former Chairman of the Open-ended Working Group, Mr. Udovenko, President of the General Assembly at its fifty-second session, and to his Vice-Chairmen, Ambassador Breitenstein of Finland and Ambassador Jayanama of Thailand.

The reform of the Security Council, as the universal mechanism for the maintenance of international peace and security, remains one of the major aspects of the evolution of the United Nations system and is one of the most heated and controversial issues on the agenda of the General Assembly.

Allow me to state a few facts in support of this thesis. In 1993, 17 Member States submitted their written comments to the Secretary-General, pursuant to the request in General Assembly resolution 47/62, on representativity of the Security Council and the expansion of its

membership. Nine replies came from African States, 19 from Asian States, 5 from Eastern European countries, 17 from Latin American and Caribbean States and 20 from Western European and other countries.

The current discussion of this item also shows that the problem of reforming and adapting the Security Council, as one of the principal organs of the United Nations, has become a priority task for the international community. Indeed, Member States consider that the Security Council must reflect changes taking place in the world and the quantitative increase in the membership of the Organization and that it must be more representative, democratic, transparent and accountable. It also must improve its working methods and procedures.

The delegation of the Republic of Belarus also attaches the utmost importance to the efforts made to enhance the Council's effectiveness and transparency, to bring its membership into line with the changes in the world map and to improve its working methods. We are open to constructive cooperation with all interested parties in order to find the best possible generally acceptable solutions to the whole reform package.

Counter-productive in this regard are steps to artificially force a negotiation process and to introduce rigid timetables for the adoption of specific decisions. Such an important process as reform of the Security Council must be a subject of broad consensus reflecting the political will of Member States, including the permanent members of the Security Council.



At this stage, there has emerged a set of elements for reform, and a large number of countries attach priority to their implementation. The central element is no doubt the restructuring of the Council. The Republic of Belarus stands with those Member States that consider an increase in the membership of the Security Council a point of departure for a comprehensive reform of that body.

We have no doubt that an increased membership in the Security Council for the States of Asia, Africa and Latin America and the Caribbean is dictated by today's geopolitical realities. While we agree with the legitimate aspirations of States in the developing world to play a full-fledged role in a reformed Security Council, Belarus, like other countries in transition, is also interested in opening up suitable opportunities for participation for the countries of Eastern Europe in the work of that body. We are convinced that any formula for quantitative reform of the Security Council that excluded allocation of additional non-permanent seats to the Eastern European region would contradict the spirit and the objectives of reform and contravene the fundamental United Nations principles of sovereign equality of Member States and equitable geographical distribution.

If we are to discuss other aspects of Security Council reform, wholehearted support should be given to steps undertaken to improve the informational and consultative components of Security Council activities, to enhance cooperation between the General Assembly and the Security Council and to optimize the preparatory process and format of the report submitted by the Council.

In our view, further impetus to reforming the working methods of the Council could be provided by such innovations as the frequent holding — especially during the substantive part of the work of the General Assembly — of open, general debates at the level of Foreign Ministers on the most important issues on the Security Council's agenda, as well as the introduction of the practice of replies from the President of the Security Council to questions and comments of Member States, including to comments made during the discussion of the report of the Council in the plenary. Wider use of the Internet for direct video-conferencing would make more information available to non-members of the Council on operational activities.

Another widely discussed and controversial issue is the problem of the veto. My delegation agrees with the approach of taking an intermediate decision on the veto, through gradually limiting its application and regulating its scope.

We believe that this question must be resolved exclusively on the basis of consensus, as an affirmation of further democratization in the work of the Council, in keeping with the interests of all Member States.

In this context, the delegation of Belarus supports the proposal made for further activities of the Open-ended Working Group and is prepared to make its contribution to achieve mutually acceptable solutions to the question of expansion of the membership of the Security Council, equitable representation and other related matters.

Mr. Buallay (Bahrain) (*interpretation from Arabic*): My delegation views the acknowledgement that the membership of the Security Council must be increased to reflect the increased membership of the United Nations, taking into account the significant changes that have taken place on the international scene, as one of the most important and gratifying conclusions reached last year by the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. My delegation believes that an enlarged Council should reflect the geopolitical changes in the characteristics of international community and would enhance the legitimacy of Security Council resolutions.

Nonetheless, and in spite of intense and persistent efforts, the discussions in the Working Group encountered many difficulties on a number of questions, notably the size and nature of Council expansion, the methodology for achieving such an expansion, the election of new permanent members, equitable representation for developing countries, the decision-making process and the principle of rotation, not to mention the question of the veto. These questions cannot be ignored, but it has thus far been impossible to resolve them. The divergent views on these matters made it difficult for the Working Group to complete its work and formulate a comprehensive and clear approach to the various elements of this agenda item.

In that connection, Bahrain would like to make reference to a number of points. First, some advocate a quick-fix solution circumventing the need to amend the Charter. Although all Member States are eager to expedite the reform process in order to meet the challenges of the twenty-first century, we cannot resort to hasty solutions that will not be approved by the required majority as set out in the Charter as we set

about enacting fundamental changes to the most important international mechanism, which is responsible for the maintenance of international peace and security.

Second, a review of the methodology of and approaches to the reform process could serve as a catalyst for keeping that process on the right track rather than focusing on the controversial elements of every question relating to reform, and for enabling us to retain what we have achieved. Perhaps giving the Working Group enough time to deal with controversial questions would be a good step towards reaching comprehensive agreements and overcoming those differences. Moreover, giving the Working Group adequate time would lead to greater understanding among the members of the international community with respect to the work of the Security Council for the twenty-first century.

Third, Bahrain reiterates the just demand of Arab States that a permanent Arab seat be created on the Security Council. There are a number of reasons for this: Arab representation among the membership of the United Nations exceeds 12 per cent — a substantial proportion that ought to be respected. Moreover, for more than 50 years the Security Council agenda has never lacked an Arab item; I cite in particular questions relating to the situation in the Middle East and to the situation in the occupied Arab territories. At present, Arab representation on the Council depends on a so-called gentlemen's agreement governing the rotation and succession of representation among Arab and Asian and Arab and African States. Any change in the current regional allocations would have a negative impact on that agreement. Thus Arab representation on the Security Council could face the threat of tougher competition for non-permanent seats. Let me illustrate my point by noting, for example, that States in the Asian Group have already been selected as candidates to fill the seats allocated to that group through the year 2013. Enlargement of the Council will inevitably lead to an increased number of such candidatures. A permanent Arab seat is therefore a matter of great urgency and importance to us.

Fourth, my country views transparency in the work of the Security Council as a question of paramount importance, because any question before the Council is of interest to a large number of countries — particularly to the countries directly concerned. Practical steps towards transparency would make it possible for States not members of the Security Council to be informed about what is going on in the Council. Here, Bahrain encourages the expanded use of the Arria formula to make it possible

for Council members to be briefed by non-member parties concerned with a given question. That formula is a step towards the full application of rule 37 of the Council's provisional rules of procedure. Presidential briefings for non-members of the Council on what took place in a meeting, along with other similar measures, enhance transparency.

Fifth, during its current tenure on the Security Council, Bahrain has worked towards holding more frequent public meetings of the Council. This is because of our eagerness to achieve transparency in the work of the Council in a manner which accords with the wishes that most countries expressed in the Open-ended Working Group.

Sixth, in cooperation with some other members of the Security Council, Bahrain has sought on a number of occasions to review the sanctions regime imposed by the Council with a view to ensuring that the sanctions are focused directly on their target rather than having an impact on innocent civilians, who unjustly suffer the consequences. We hope that the Security Council will be able in the future to study and review the sanctions regime, and make it more focused and hence more just.

My delegation would like here to recall that, with respect to an increase in the membership of the Council, the original trend was towards increasing the non-permanent seats, in order to attain a balance between the number of States on the Council and the increase in membership of the Organization at large. As time passed, we saw this concept being relegated to a secondary position to the point that it came to be referred to as a fall-back position. In other words, if it proved difficult to increase the permanent membership, there would be broader acceptance of an increase in the non-permanent membership. This trend does not appear to be compatible with the nature of the increase in the United Nations membership, the majority of which consists of developing countries that aspire to playing a role on the Security Council.

Moreover, an increase in the permanent membership will undoubtedly be at the expense of an increase in the non-permanent membership, particularly as proportionality between the Council's membership and that of the United Nations always governs any idea or project aimed at increasing Council membership. It might therefore be advisable to reconsider this trend.

Finally, while underlining the aforementioned questions and others that would require additional time to go into and which are on the agenda of the Working Group, the delegation of the State of Bahrain believes that the Working Group must clarify the principles that are to guide its discussions, particularly with regard to those related to respect of Charter provisions and the formulation of satisfactory solutions on the basis of general agreement among the membership of the United Nations that reflects a future vision of a reformed Security Council. In particular, this should include taking steps to reform the Council within the general reform of the United Nations as a whole and not in isolation from it.

Mr. Fulci (Italy): For the sixth consecutive year, I have the privilege of addressing the General Assembly on the issue of Security Council reform. Allow me to say at the outset, Mr. President, that your leadership, wisdom and renowned legal experience are the best guarantees for the entire membership that the issue of Security Council reform will be treated with the determination, impartiality and foresight it requires.

Six years ago, our task was to weigh carefully how to make the Security Council a better instrument of today's United Nations. Six years later, the task remains the same. From the founding fathers we inherited a mechanism designed to serve the world at mid-century, but things have greatly changed since then. The challenge we now face is to make the Council equitably reflect the membership of today — some 185 Member States, many of which were colonies back in 1945 and are now proud, free and sovereign nations. Our task is to make the Council the true expression of all Member States, accountable to the General Assembly, and not the expression of just a select few accountable only to themselves.

Our former colleague, Ambassador Owada of Japan, once remarked that "Security Council reform is of paramount importance to international relations in the next century". Indeed, the instrument that we forge will be our legacy to future generations. In our efforts to find common ground, let me say without preambles that to ignore the historic challenge before us by simply adhering to the status quo would be a grave abdication of our duties and responsibilities. As an Arab historian, Ibn Khaldun, wrote in the fourteenth century, "civilizations decline if they lose their capacity to comprehend and absorb change". Let that reflection be our guide.

It is generally agreed that Security Council reform should address two areas: first, enlargement of the Council

and, secondly, its working methods and procedures. A really acute controversy has arisen over the increase in membership. Delegations are deeply divided over which categories should be affected — permanent, non-permanent or both — and whether we should contemplate creating a new category of "permanent rotating seats".

From the start of this exercise, Italy thought that the best solution would be to increase the number of non-permanent seats. Accordingly, in 1993 we presented a proposal to add 8 to 10 new non-permanent, elective seats — as I prefer to call them, rather than non-permanent — to be rotated among the 24 to 30 countries that contribute most to the purposes of the United Nations, in the spirit of Article 23 of the Charter. Among the advantages of this solution is the fact that it would allow more frequent participation in the Security Council for those that shoulder a larger burden and greater responsibility, not only in terms of financial resources but also in terms of troops for peacekeeping operations and other activities. At the same time, the Italian solution would provide much easier access to the Council for all other Member States, since the customary, tough competition with larger countries within their respective regional groups would be drastically reduced.

When we introduced our proposal, 80 or so countries expressed their support or interest. Clearly, this is not yet enough. That is why Italy has repeatedly indicated in this Hall, through its Minister for Foreign Affairs, Mr. Lamberto Dini, its willingness to agree to any other enlargement formula, provided that it does not prejudice a possible common European seat on the Council, distance Italy — which has become the fifth largest producer of wealth in the world — from the other main industrial countries, or increase the number of countries that are more equal than others in our Organization.

One such formula that we are ready to support is the so-called fall-back position of the Non-Aligned Movement. That position, as delegates know, proposes an increase for the time being only in elective seats, in the event that no agreement is reached on other categories of membership. The increase in permanent members would, of course, continue to be studied and examined. In the meantime, we could, for instance, increase the number of elective seats from 10 to 16, for a total of 21 seats in the future Security Council. This way, a region such as Africa could soon count on, instead of the current three seats, five seats — one for each of its subregions. I think that we should never forget that Africa represents the

largest regional group in our common home, while, by one of the unique contradictions of our Organization, it is also the group most under-represented in the Council. Furthermore, considering that the Non-Aligned Movement now has 114 members, it should not be too difficult to find a few other votes and reach the quorum needed for this solution to be adopted.

Turning now to the so-called cluster II issues, here is an area where the Open-ended Working Group has indeed made significant progress. The improvements suggested for the Council's working methods include a more substantial report of the Security Council to the General Assembly; an increase in the number of formal open meetings; greater transparency in informal consultations; greater involvement of troop-contributing countries; prompter and more detailed briefings on the Council's activities by its President-in-office; and the ready availability of texts and documents examined by the Council. Some of these suggestions are already being implemented, but they depend entirely on the President-in-Office, who might decide to ignore them at will. Let us strike while the iron is hot by formalizing the proposals on which general agreement has already been achieved. More ambitious transparency measures could be agreed in the course of time.

Allow me at this point to express my sincere appreciation for the efforts of the two co-Vice-Chairmen, Ambassador Breitenstein and Ambassador Jayanama, for what they have done in order to try to reach general agreement on cluster II. I think they will be remembered for it.

In this House, I am supposed to always call a spade a spade, and today I will do it again. Since this debate started last Thursday, a climate of tension has prevailed centred on a major procedural issue: the critical question of the majority required to adopt resolutions on Security Council reform which have elements or implications of Charter amendments. You, Mr. President, promptly intervened to ease the tension and promoted instead negotiations aimed at reaching a consensus solution. I must say that against all odds, you appear to have succeeded. For this, we all, and I underline "all", owe you and your closest collaborators sincere appreciation.

Given the Council's crucial importance, whatever reform we approve must enjoy the backing of the overwhelming majority of Member States. Otherwise we will compromise the effectiveness of the reformed Council by depriving it of the legitimacy, credibility and authority it needs. We must never forget what an immense

commitment we, the Member States, make in conferring upon the Council the primary responsibility for the maintenance of international peace and security and in accepting, as Article 24 of the Charter stipulates, that

"in carrying out its duties under this responsibility the Security Council acts on their behalf."

If they act on our behalf, they must be accountable to us.

The original mandate establishing the Working Group, General Assembly resolution 48/26, called for general agreement as the yardstick for any reform. But what does general agreement mean? There is no definition of it in the Charter or in the rules of procedure. However, no matter how one interprets it, one conclusion is inescapable: general agreement cannot mean less than two thirds of all Member States. So one had assumed that the reform was on a safe road. Instead, out of the blue, on 20 March 1997, the then President of the General Assembly promoted a scheme that would enact the enlargement of the Council not by a single vote in the General Assembly, as was the case in 1963, but in three separate stages with different majorities, namely: first, an initial resolution to increase the number of permanent members; secondly, a second resolution selecting the new permanent members; and thirdly, a third resolution to formally amend the Charter. According to this plan, only the last of the three resolutions would have to be approved by a two-thirds majority of all Member States, while for the two previous ones, a majority of two thirds only of those present and voting would suffice.

Anyone who is familiar with the General Assembly's voting patterns knows what this means. When the time comes to vote on thorny issues, a significant number of delegations are absent or abstain. If only 120 were to vote, for instance, then the required majority would go down to 80, less than half of the general membership of the General Assembly, which, as members know, is made up of 185 States.

Thus, in order to accommodate the national interests of a few, a constitutional absurdity was devised. New permanent seats could be established and new permanent members selected with less, or even considerably less, than the 124 votes required for Charter amendments. It has been rightly noted that this would mean that the same majority used to elect a member of the Economic and Social Council for three years — two thirds of those present and voting — would also be enough to establish, to create new permanent members that would serve in the

Security Council for ever, in perpetuity. It would be tantamount to a national parliament changing, or aiming to change, its country's constitution by a vote of less than half of its members. Moreover, I ask, can any great country really expect to enter the Security Council not by the main door of Article 108, but by the back door of Article 18 of the Charter?

Now, once the resolution which has been agreed under your auspices, Mr. President, has been approved at the end of this debate, as we hope it will, we will no longer be under the threat of that legal anomaly, as we were in the last two sessions of the General Assemblies: a situation that led 21 Member States last year to introduce draft resolution A/52/L.7, and 35 Members this year to introduce A/53/L.16. If the newly agreed text is adopted today by consensus or by near consensus, the principle that any decision or resolution by the General Assembly on Security Council reform must be taken by a two-thirds majority of all Member States will be solemnly reaffirmed. Thus, today's debate, rather than proving contentious and divisive, as had been anticipated, will instead have helped re-establish a climate of mutual trust and will inject new momentum into the reform process.

Allow me to conclude by assuring the Assembly that Italy will continue to make its active contribution to the Open-ended Working Group for the achievement of the reform of the Security Council. In this endeavour, our actions will continue to be guided by the sacrosanct principles of democracy and participation, transparency and accountability, effectiveness and efficiency.

Mr. Belinga-Eboutou (Cameroon) (*interpretation from French*): The transformations in international society following decolonization and the admission of dozens of States to the United Nations led to the adoption by the General Assembly of resolution 1991 (XVIII) of 17 December 1963, on increasing the number of non-permanent members of the Security Council, a resolution of which Cameroon was a sponsor.

The virtual consensus that we saw at that time stemmed from a need felt by all to reflect on the composition of the Council and on the quantitative change in the Members of the United Nations family. It also stemmed from a unanimous conviction that the increased or strengthened presence of new States was a condition for greater effectiveness on the Council.

The increase in the membership of the United Nations, which increased from 113 in 1963 to 154 in 1980,

prompted a certain number of countries, including Cameroon, to raise at the thirty-fifth session the question of another expansion of the Security Council. That was the substance and the objective of draft resolution A/35/L.34/Rev.1, which requested that the number of non-permanent members be raised from 10 to 16. The debates on that draft resolution were heated, and no solution could be found.

It seemed to some that an expansion of the Council as requested would institutionalize the notion of the democratization of international relations and thereby contained the seeds of changing the balance of power in such a way that it could slip out of their control. The debate was closed.

The qualitative changes in international society after the end of the cold war made it more necessary than ever that there be a reform of the Security Council relating not only to its composition but also to its working methods, its functioning and the decision-making methods that dated back to the days of East-West rivalry.

We are gratified that the General Assembly, 30 years after the first expansion of the Security Council, established through resolution 48/26 an Open-ended Working Group to consider all aspects of the question of increasing the membership of the Security Council and other matters related to the Council. We have before us today the progress report of that Group, which held six substantive sessions during the fifty-second session.

We wish, Mr. President, to express our profound appreciation to your predecessor, Ambassador Hennadiy Udovenko, who led the work of the Group with great skill. Our thanks go as well to the Vice-Chairmen, Ambassador Asda Jayanama and Ambassador Wilhelm Breitenstein.

The report submitted to us reflects not only the seriousness of the discussions, but also the very high priority attached by Member States to the reform of the Security Council. The stage reached in the work reveals, we must agree, the extreme complexity of the question, and calls for us to move forward boldly and wisely.

We are counting on you, Sir, and on your outstanding qualities as a diplomat and talented jurist to impel the Open-ended Working Group to make decisive progress in the accomplishment of its mandate. The peoples of the United Nations are waiting.

The third millennium is approaching rapidly, bringing new challenges and legitimate concerns. With it, questions about the role and functioning of the United Nations will become more acute and the appeals for its in-depth reform, to make it more democratic and more consistent with the aspirations of our peoples, more urgent. As was stated from this rostrum on 24 October 1996 by Mr. Paul Biya, President of the Republic of Cameroon and at that time Chairman of the Organization of African Unity (OAU):

"The United Nations must adapt to the international environment now prevailing at the end of the century, in order better to do its work today. The necessary reforms in its principal organs — the Security Council, the General Assembly, the Economic and Social Council and the Secretariat — must allow all nations, without discrimination, to participate actively in the conduct of international public affairs.

"This means, *inter alia*, greater transparency within the Security Council, in its working methods and in the equitable geographical representation of all regions of the world." (A/51/PV.40, p. 5)

Everything has therefore been said and the guiding principles exist. The United Nations must be adapted to the new international environment and all nations must participate actively in the conduct and management of international affairs — in other words, democratization. This means transparency; we would also include good governance and emphasize equitable geographic representation.

Cameroon therefore endorses the position adopted by the Organization of African Unity in Harare in 1997. In the light of the transformations to which I have referred, we believe it necessary that the total number of Council members be raised to 26. The proposed increase concerns permanent members, whose number would rise from 5 to 10, and non-permanent members, whose number would rise from 10 to 16, as was proposed at the thirty-fifth session in the draft resolution contained in document A/35/L.34/Rev.1.

As regards distribution, Africa, which has the largest number of States Members of the United Nations, should, in the logic of equitable geographic representation, be given two of the five new permanent seats and three additional non-permanent seats. In specific regard to the permanent seats that would be allocated to Africa, the OAU, at its Ouagadougou summit in June 1998, adopted

original rotation modalities to which we will refer in due course.

Would this expansion we are advocating make decision-making difficult or hamper the effectiveness of the Council's decisions. We do not believe so, for reasons on which we will elaborate in due course in the Working Group. At this stage, we wish to say the following. The effectiveness so often invoked to oppose expansion arises, we believe, from a concept that reduces contributions that can be made to peacekeeping to military might alone or to the capacity of States to intervene militarily. Even under that hypothesis, however, it is hard to see how such effectiveness could suffer under the proposed expansion.

It is often forgotten that the effectiveness of an organization is not a function merely of rapid decision-making. It is more closely related — and this is important — to the achievement of the objectives of the various members of the organization. It is also forgotten that the maintenance or restoration of international peace and security may also be enhanced by consistency in negotiations to seek peace and reduce tensions, or by mediation to end a conflict. In this regard, small States or States without major military power can make an outstanding contribution to the maintenance or establishment of peace. In fact, can it really be said that the current composition of the Council has always assured it great effectiveness and speed in the making or implementation of decisions?

The expansion promoted by Cameroon does not seek to hinder the effective functioning of the Council, which must, we repeat, preserve its capacity to adopt without harmful delays the measures necessary to international peacekeeping and peacemaking. The reform we seek would contribute both to enhancing the Council's legitimacy and to ensuring its effectiveness.

As to the right of veto, Cameroon believes it should be used in a manner compatible with the responsibilities incumbent upon permanent members by virtue of the Charter. Generally speaking, if, at the conclusion of reform, that right is to be preserved, it would seem fair to us that it be extended to the new permanent members. Furthermore, its use should be limited to actions undertaken in the framework of Chapter VII of the Charter. However, bearing in mind the differences of opinion that remain on this subject, Cameroon would support further consultations in this respect, especially with the five permanent members of the Council.

Security Council reform involves us all. Together, we must work to expand the Council in a reasonable way. The maintenance of international peace and security is a collective responsibility. Together, we must work to improve the working methods of a more transparent Security Council. Its credibility and legitimacy will hang on its ability effectively to discharge the responsibility it assumes on behalf of all Member States.

We recognize that the task is not easy. My delegation hopes that the search for lasting solutions reflecting the general will can prevail over hasty initiatives containing the seeds of division or confrontation. The peoples of the United Nations want to move forward as friends — in other words, together. They no longer wish to move forward side by side, because parallel lines do not meet. Above all, they no longer wish to move against one another.

In that respect, we are counting on you, Sir, to harmonize and synthesize into a balanced and positive consensus text the concerns expressed by the sponsors in draft resolution A/53/L.16/Rev.1 and in the proposed amendments contained in document A/53/L.42.

We are convinced that it is possible to reach a consensus that will make it possible to express the general will of Member States to arrive at a Security Council that is more transparent and more democratic because it benefits from the support of the immense majority of our countries.

Mr. Kiwanuka (Uganda): The Uganda delegation welcomes once again the opportunity to address the plenary of the fifty-third session of the General Assembly on the very important subject of Security Council reform. Before I proceed, allow me to look back to where we began.

Formally, the United Nations Security Council was established as just one of the principal organs of the United Nations, but clearly it is the Organization's dominant political body. It is the only political organ of the United Nations system on which nations have conferred the power to take actions that are in keeping with their responsibility to maintain international peace and security.

The announcement by United States Secretary of State Warren Christopher in early 1993 that the Clinton Administration would actively support a limited expansion of the Security Council put the issue of Council reform squarely on the front burner of the international agenda. Security Council reform is part and parcel of the comprehensive agenda for reforming the entire United

Nations system so that it reflects the realities of today's world. Since 1993, and more so since 1996, there have been serious discussions on reform and expansion of the Security Council and useful proposals have been made, suggesting compromise solutions to what are potentially difficult issues.

Uganda wants to see progress from the general to the concrete in order to bring this endless debate to tangible conclusions. Reform of the Security Council, of course, is not just a matter of changing who sits around the table. It extends to questions of accountability, voting power and procedures. That is to say, the reforms must address expansion in both the categories of membership, permanent and non-permanent. As we approach the new millennium, the reformed Council must reflect the global changes of the past half-century and achieve an equitable geographical distribution. Regions such as Africa which heretofore have been under-represented deserve to be adequately represented in the reformed Council.

To this end, at the Harare Summit in June 1997, the African heads of State and Government reaffirmed Africa's claim to at least two permanent seats on the Security Council. The seats would be allotted to countries by a decision of Africans themselves, in accordance with a system of rotation based on the current established criteria of the Organization of African Unity and subsequent elements which might improve upon these criteria.

Reform means also that the gulf between the five permanent members of the Council and the elected members who today serve a two-year term must be bridged. The elected representatives frequently complain about being presented with faits accomplis which make them feel marginalized. This is why we call for transparency in the working methods of the Council.

Reform means ending the perpetuation of exclusive, discriminatory privileges which are obnoxious to the democratic spirit. Organizations or institutions which build walls around themselves belong to another age.

Since it is permanence and the use of the veto which determine the status of the Security Council, the new permanent members should not be discriminated against. They must enjoy all the rights and privileges of their membership.

Let me conclude. By nature I am a strong believer in accommodation. I am also an optimist. The historical

experience of the reform of institutions shows clearly that the end product is almost always the result of compromise, unless there has been a violent revolution to overthrow the institution. In that case the victorious party imposes its will. But that is unlikely to be the case here at United Nations.

Uganda acknowledges that the issues involved are difficult. For that very reason, those issues must be approached in a spirit of compromise. There must be compromise on the issue of enlargement in both membership categories, permanent and non-permanent.

Since the fifty-first session of the General Assembly in 1996, figures for total Security Council membership ranging from a low of 21 to a high of 28 have been suggested. We believe and are confident that given a spirit of goodwill and a desire to move forward by the vast majority of delegations, a compromise between these two figures can be reached. What we all want is a reformed, representative and effective Security Council. Separating the two categories, permanent and non-permanent, and suggesting that we move with one for the time being and leave the other unchanged does not serve the cause of reform.

If all delegations agree to compromise on their respective positions for the sake of our common future, it is possible to move forward without needing to invoke any Chapter or Article of the Charter. For the sake of our common future, the Uganda delegation calls for compromise, because without it we shall remain at a stalemate.

Let us be judged by history and let it be written that while we were here and graced this place, and you, Mr. President, sat in that Chair, the delegates were able to see the larger picture and fashioned into reality the dreams of millions who revere the United Nations.

Finally, let me end with the words of the Secretary-General, Mr. Kofi Annan, spoken in April this year:

"We are transforming our United Nations not as an end in itself, but as a means to better carry out our mission of peace, development and human rights."
(A/52/PV.83, p. 4)

That is the challenge before us.

Mr. Sklar (United States of America): Along with the vast majority of Members of this Organization, my

delegation supports expansion of the Security Council. There are areas where many Members are in agreement as to the nature and mechanism for expansion. In other areas, significant differences exist. The Open-ended Working Group has been a constructive and appropriate forum for us to continue to make progress towards our common goal.

My delegation felt that a debate and possible votes on draft resolution A/53/L.16 or amendments thereto would therefore have been unnecessary and destructive to the delicate deliberative process that we hope will ultimately bring us towards our objective. We questioned the rationale for introducing the draft resolution and its amendments last week. To our knowledge, no Members were looking for or working towards a quick fix or any other mechanism that would not be supported by the vast majority of Members. No resolutions, framework or otherwise, were about to be dropped on this body for action. Thus we are pleased that the co-sponsors of the draft resolutions and amendments have reached agreement on language that will achieve our common objective yet not compromise or challenge the Charter.

For the past two days, we have heard over 60 speakers state their views on how best to reshape the Security Council. Much of the debate has focused on technical aspects of the Charter amendment process, in particular required voting majorities. That this should become an issue more than 50 years after the United Nations Charter entered into force is surprising. Articles 18 and 108 of the Charter contain clear provisions on General Assembly voting. These have consistently been in practice over the past half-century.

The drafters of the Charter foresaw a time when adjustments might be needed and also set forth, in Chapter XVIII, provisions governing Charter amendment. These have been applied on the few occasions when changes have been made. The Charter, which entered into force in 1945, was amended to increase the number of Security Council members in 1965 and to increase the size of the Economic and Social Council.

More recently, at its fiftieth session the General Assembly considered a recommendation from the Sixth Committee to amend Articles 53, 77 and 107 of the Charter in order to delete obsolete clauses. In resolution 50/52, the Assembly expressed its intention to initiate the procedure set out in Article 108 to amend the Charter by deleting those clauses at its earliest appropriate future session.

That resolution was adopted by a vote of 155 to 0 with 3 abstentions, only one of which was directly related to the proposed Charter amendment. This vote reflected the general agreement in the Assembly to proceed to amend the Charter in a specified manner. It established that the political will exists to accept the Sixth Committee recommendation, and although adoption of resolution 50/52 legally required only a simple majority, politically it needed an expression of overwhelming support.

This is a sound basis on which to proceed in adopting resolutions related to Charter amendment. Pursuant to Article 108 of the Charter, only — I repeat: only — the adoption of an actual amendment requires an affirmative vote of two thirds of the membership, but we should bear in mind that any resolution concerning Charter amendment should command the widest possible support from United Nations Members. Therefore, as the consensus text indicates, no draft resolution on this matter should be put to a vote without the clear and prior indication of support from two thirds of the membership.

As efforts resume in the Open-ended Working Group, we can all agree that achieving such backing for future amendments should be our goal. Proposals should not be pushed to a decision before they enjoy sufficient support, nor should obstructionist tactics be employed to impede progress.

The consensus draft resolution that has resulted from this debate underscores the importance of backing Charter change with widespread political commitment. The consultations and cooperation that led to this consensus result will, I hope, set the scene for future constructive work. Having put these procedural issues into perspective, the Open-ended Working Group can now direct its attention to the substantive questions relating to changing the composition of the Security Council. We wish to thank the President of the General Assembly for his support and help in guiding us to that result last week.

The President (*interpretation from Spanish*): The meeting will be suspended for 10 minutes to allow the Secretariat to prepare the necessary documentation.

The meeting was suspended at 11.25 a.m. and resumed at 11.35 a.m.

The President (*interpretation from Spanish*): In connection with the item under consideration, which the Assembly has been discussing over the past three days, I should like at this time to draw the attention of all

members of delegations to a draft resolution that the presidency of the General Assembly is submitting to the Assembly for consideration. The draft resolution contained in document A/53/L.46, is now being distributed.

In accordance with information gathered by the presidency, the sponsors of draft resolution A/53/L.16/Rev.1 have informed me that they have agreed to withdraw it. The draft amendments contained in document A/53/L.42 have also been withdrawn.

Draft resolution A/53/L.46 is the result of broad consultations between the various delegations during the past few days. The draft resolution therefore reflects the shared intention of all delegations to reach a consensus on this extremely sensitive issue.

I therefore invite delegations to adopt the draft resolution by consensus. Over the past hours, there has been an intensive exchange of views, and I therefore appeal to delegations for understanding and request them to forgo statements in explanation of position. In a sense, the positions of all delegations are reflected in the text.

I shall now read out the text of the draft resolution submitted by the President of the General Assembly and contained in document A/53/L.46. The draft resolution reads as follows:

“The General Assembly,

“Mindful of Chapter XVIII of the Charter, and of the importance of reaching general agreement as referred to in resolution 48/26, determines not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters without the affirmative vote of at least two thirds of the members of the General Assembly.”

It had been my impression that the Assembly was prepared to proceed to take a decision on this draft resolution and to adopt it by consensus, but I have been informed that some delegations have requested a brief suspension to enable them to conduct consultations on this matter. The President is always sensitive to the wishes of delegations; I wish at the same time to say that a great deal of effort has been made in this process of reconciling a variety of views, and that it would be desirable for the time to be used solely to reaffirm the consensus that was worked out so painstakingly.

The meeting was suspended at 11.45 a.m. and resumed at 11.55 a.m.

The President (*interpretation from Spanish*): We are grateful to all representatives without exception for their efforts to reach a consensus after the necessary consultations on the draft resolution (A/53/L.46) that I, as President, proposed and read out.

I would like to add that the text of that draft resolution contains some technical difficulties in the Arabic, Chinese, French and Russian versions. The necessary corrections will therefore be made in the final versions.

In accordance with what I stated earlier, I wish to announce that consensus exists on draft resolution A/53/L.46.

I take it that the General Assembly decides to adopt draft resolution A/53/L.46.

Draft resolution A/53/L.46 was adopted (resolution 53/30).

The President (*interpretation from Spanish*): I wish once again to thank each and every member of this body for the spirit of understanding, tolerance and agreement they have displayed.

I wish to inform the General Assembly that in the light of the resolution that has just been adopted and in keeping with the positive climate that emanates from it, I intend to convene in the near future a meeting of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. The objective of that meeting will be to elect the two Vice-Chairmen of the Group. In that connection, I expect to put forward for the consideration of the Working Group the candidacies of the Permanent Representative of Sri Lanka, Ambassador John de Saram, and the Permanent Representative of Sweden, Ambassador Hans Dahlgren. It is also the intention of the presidency to establish the initial outlines of a programme of work that we will be coordinating in the coming days with the proposed Vice-Chairmen.

We have thus concluded this stage of our consideration of agenda item 59.

Agenda item 33

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Report of the Secretary-General (A/53/554 and Corr.1)

Draft resolution (A/53/L.38)

The President (*interpretation from Spanish*): I give the floor to the representative of Romania to introduce draft resolution A/53/L.38.

Mrs. Zamfirescu (Romania): I am honoured to address this prestigious audience on an issue of utmost relevance for the world community: the strengthening of international cooperation to support the entrenchment of democratic governance in countries that have embarked on the road to democratization. By endeavouring to reach this goal, at the dawn of a new century and a new millennium, we take care equally of the dignity and welfare of those whom we represent here and of the future of our children.

Strengthening democracy is a must for strengthening peace and respect for human rights and fundamental freedoms. There is no better way to meet the goals of this international year of human rights, marked by the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, than by renewing our determination jointly to promote and consolidate democratic values and practices throughout the world. That means, *inter alia*, learning to master the subtle chemistry inherent to democratic governance — a chemistry suggested in the inspired remark that “in democracies, those who lead, follow; and those who follow, lead”.

The international community has paid increased attention to the role that shared democratic values can play in solving major national issues and in improving the international environment. Ten years ago, the new or restored democracies gathered for the first time in Manila. They reaffirmed their commitment to the democratization of their societies in Managua in 1994, and, more recently, in Bucharest. On each of those occasions the interdependence and mutual reinforcement between democracy, development and good governance were highlighted.

The orientations, principles and guidelines that came out of those three conferences endorsed the wisdom that a democratic system of government — which is by nature an open learning process — is the most solid bedrock for ensuring lasting solutions to the political, economic and social problems facing all societies. They have also stressed the importance of international cooperation aimed at supporting democratization. There is no doubt that in our complex era of globalization, abounding in new opportunities but also in new challenges and uncertainties, the virtues of international cooperation are more needed than ever.

No organization is better placed and equipped to contribute to the promotion of these goals than the United Nations, because no other enjoys its scope and legitimacy. In our opinion, it is high time that a system-wide agenda for democratization be considered. It would naturally fit into the ongoing efforts devoted to enhancing the United Nations ability to cope more effectively with the challenges of the twenty-first century. The Millennium Assembly could provide an excellent opportunity for the launching of the suggested project.

Romania has been an active supporter of the activities carried out by the United Nations system with respect to democratization and good governance. By setting up a stable democratic system, based on full respect for the human rights and fundamental freedoms of all citizens — a system that includes a viable framework for inter-ethnic dialogue and cooperation — Romania has also brought its own input to the consolidation of democracy throughout the world. As a direct result thereof, we think, my country was honoured to host the Third International Conference of the New or Restored Democracies on Democracy and Development in Bucharest, in September 1997.

We acknowledge the valuable assistance extended to Romania by the United Nations and other international organizations such as the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the European Union. In doing so, we recognize that domestic endeavours to irreversibly entrench democratic governance have a greater chance of success when properly shouldered by the international community.

It is our hope that, alongside the valuable experience of other new or restored democracies, our own experience can contribute to shaping a new political culture and setting useful guidelines for future United Nations programmes on democratization and good governance.

I wish to express, on behalf of the Romanian Government, our most sincere gratitude and appreciation to the Secretary-General of the United Nations, Kofi Annan, and his staff for the steady support extended to the efforts of Governments to promote and consolidate new or restored democracies.

We commend the report of the Secretary-General, which clearly points to the progress achieved and the future prospects for the activities of the United Nations system in the field of democratization and good governance.

It is very encouraging that the report attaches particular importance to the follow-up and implementation of the recommendations of the Third International Conference of the New or Restored Democracies. Allow me to mention also the setting up in New York of a follow-up mechanism. This flexible and functional structure has brought together representatives of the Member States and of the United Nations system as well as academics and non-governmental actors. In a spirit of open dialogue and cooperation, the mechanism has designed and begun to implement a series of concrete proposals, such as the creation of United Nations Web sites on the subject of democratization, the establishment of a Democracy Forum, the setting up of an inventory of activities and programmes and a questionnaire for the self-assessment of Governments' needs for assistance in the field of democratization.

The generous offer of the Government of Benin to host the Fourth International Conference of New or Restored Democracies ensures the continuity of this important movement — a dynamic movement to whose Asian, Latin American and European signposts will soon be added the Africa one.

Romania, in its capacity as current Chair of the Third International Conference of New or Restored Democracies, takes particular honour in submitting to the attention of the General Assembly the draft resolution (A/53/L.38) on agenda item 33, entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies".

I am pleased to introduce this draft proposal on behalf of the 77 sponsors listed in document A/53/L.38, as well as of the following additional sponsors: Albania, Australia, Belarus, Cape Verde, Iceland, India, Lithuania, Morocco and Turkmenistan. This brings the total number of sponsors to 86.

In its preambular part, the draft resolution recalls the major moments and documents of the movement of new and restored democracies and reiterates the principles agreed upon by the General Assembly at its previous sessions. It takes note of the progress achieved so far by the movement and of the most significant conferences, seminars and workshops on democratization and good governance organized in 1998, as well as those currently being planned under the auspices of the International Conference of New or Restored Democracies.

In the operative part of the draft resolution, the General Assembly would welcome the report of the Secretary-General and express its appreciation for the activities carried out by the United Nations system in the field of democratization. It would welcome the measures taken by the members of the Administrative Committee on Coordination within their respective organizations aimed at better coordinating their democracy-related work.

The General Assembly would also express appreciation for the work carried out by the follow-up mechanism to the Third International Conference of New or Restored Democracies and invites the Member States, the United Nations system and non-governmental organizations to continue to contribute actively to this process. An important reference concerns the convening of the Fourth International Conference of New or Restored Democracies, to be held in Cotonou in the year 2000.

The draft resolution under consideration deals with one of the most promising and challenging trends of the contemporary world: the process of democratization. It emphasizes the need for an increased role of the United Nations in its consolidation.

In conclusion, I wish to express on behalf of the 86 sponsors the hope that this draft resolution will be adopted without a vote, as have such draft resolutions at previous sessions.

Please recall what I said at the beginning: this is not only for those we represent today but also for the future of our children.

Mr. Sucharipa (Austria): I have the honour to speak on behalf of the European Union. In addition, the Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country, Cyprus, as well as the European Free Trade Association country

member of the European Economic Area, Iceland, align themselves with this statement.

The European Union attaches particular importance to the issue of democracy and democratization. The Union follows the process of new and restored democracies and the activities carried out by the United Nations in the field of democratization and governance with great interest.

The current wave of democratization has brought far-reaching changes in all regions of the world, including in countries which are now members of the European Union. This global process of democratization is reflected by the International Conferences of New and Restored Democracies. The movement of new and restored democracies has gained strength and momentum and continues to contribute to democratization processes worldwide, most recently through its Third International Conference of New or Restored Democracies, which was held in Bucharest in 1997. The European Union participated in the Ministerial Meeting on the follow-up to the Bucharest Conference, which was held a few weeks ago alongside this session of the General Assembly.

We welcome the increasingly important role played by the group here at the United Nations, as reflected in the strong support for resolutions on democratization in the General Assembly. The European Union warmly welcomes the invitation by the Government and the people of Benin to host the Fourth International Conference of New or Restored Democracies in the year 2000 in Cotonou, bringing the movement of new and restored democracies to the African continent.

One can rightly say that we are living in an era of democracy. Today, democracy is unchallenged as the best form of governance. There are no serious and attractive alternatives available. The reason is simple: experience has proved that democracy is not only the best form of governance to ensure the dignity and freedom of every member of society; it is also the best means for preventing conflict and making prosperity possible. Democratization has been both the objective of and the instrument for resolving conflicts. Democracy also enables societies to develop and make use of their full potential towards sustainable development. Today, the world speaks out against any change of democratic government by undemocratic means, such as *coups d'état*, and does not accept regimes that rule against the expressed will of the people.

The holding of elections in Bosnia and Herzegovina in a positive climate was an important step in the implementation process of the Dayton Accords and paved the way towards enhanced stability, normalcy and reconciliation of that country. The Union is particularly satisfied with the high voter turnout, which gives proof of the growing democratic maturity of the population of Bosnia and Herzegovina, and with the positive and constructive role played by the police and by the media: It is hoped that the elections will lead to a society in which religious and cultural differences no longer divide communities, but are respected and tolerated.

The European Union welcomes the recent elections in Cambodia. The very high number of registered voters who turned up at the polling stations to cast their ballots has given a clear signal that the Cambodian people are embracing democracy and are determined to decide their own political future. We are pleased at the recent progress made towards the establishment of a new Government.

The European Union also welcomes the process of democratization which has begun in Nigeria in recent months. Under the leadership of the Independent National Electoral Commission, and with the assistance of international institutions, elections are being prepared at all levels. The European Union reaffirms once again its support for this process. The holding of free and fair elections leading to the handover to a civilian Government in May 1999 is the basis for stability and prosperity that will enable Nigeria to regain a place within the international community, in keeping with its aspirations and capabilities.

It is the sincere hope of the European Union that the wave of democratization will serve as an example for situations in which the lack of democratic processes continues. Thus, the European Union remains deeply concerned at the lack of any positive response from the Burmese authorities to the repeated calls on them to take steps towards the promotion of democracy, human rights and national reconciliation.

Nowadays, almost every Government calls itself democratic, but not all live up to this high standard of governance. The number of "electoral" democracies is impressive, but some warn of a rise of "illiberal" democracies. Most countries have adopted several features of a formal democracy, in particular the holding of elections, but do not provide for a sufficiently fair political process that allows the people to participate fully in the political process. In some countries, successful first multi-

party elections have been followed by undemocratic rule and questionable second elections. Therefore, in addition to holding genuine and periodic elections, the accountability of the rulers, the rule of law and respect for human rights and political and civic pluralism are essential ingredients of sustainable democracy. The new and restored democracies have a key role to play in bringing about such a common understanding of democracy and its minimum conditions and principles that have to be met. In this context, the European Union welcomes the guidelines for strengthening the policies and principles of new and restored democracies adopted at the Bucharest Conference.

Democratization is a long-term process. Democracies are never perfect or complete. They need constant renewal and adaptation to changing circumstances. A vibrant civil society plays a crucial role in this regard. Also within the European Union, a lively debate is under way about the challenges to democratic governance stemming from the deepening of European integration. Making the institutions of the Union more democratic and bringing them closer to the people is one of the main challenges for the European Union in the years ahead.

The Union believes that the consolidation of new and restored democracies that have embarked on the process of democratization must be at the forefront of our joint endeavours. This consolidation process must make democracy so stable, so deeply institutionalized and legitimate, that all significant political actors, in power and in opposition alike, fully embrace democratic procedures of governance.

The United Nations system has an impressive record of assisting democratization processes around the world, be it as part of peacekeeping or peace-building efforts, in the form of electoral assistance or through its governance programmes. I would like to commend in particular the work of the Electoral Assistance Division as a focal point for all requests to the United Nations in the field of electoral assistance. The United Nations Development Programme (UNDP) is substantially contributing to democratization through its programmes aimed at national capacity and institution-building and in the field of governance and participation. The Office of the High Commissioner for Human Rights provides support to new or restored democracies through technical cooperation projects and human rights field presences, including through an emphasis on human rights aspects of elections. Without full respect for human rights and

fundamental freedoms, real democracy cannot be achieved. At the same time, democracy provides the best framework for the protection and promotion of human rights. The European Union is supporting many of these activities and will continue to work closely with the United Nations in this field.

The European Union is strongly committed to democratic governance. Under the Treaty of the European Union, democracy and respect for human rights are a precondition for membership of the Union. The consolidation of democracy, the rule of law and respect for human rights are key objectives of the common foreign and security policy of the Union. In line with the recommendations of the Bucharest Conference to give higher priority in resource allocation to governance, democracy and participation, support for democratization processes is a key element of assistance programmes of the European Union. Democracy and human rights are a key element of the policy dialogue pursued in the framework of cooperation between the European Union and the African, Caribbean and Pacific (ACP) countries. The European Commission explained its policies in a communication on democratization, the rule of law and respect for human rights and good governance in March 1998.

In line with the special focus called for by the Secretary-General in his report on Africa, the European Union recently adopted a Common Position on Human Rights, Democratic Principles, the Rule of Law and Good Governance in Africa with the aim of strengthening cooperation with African partners in this field. The Union is financing numerous projects and programmes for the strengthening of democratic governance and a culture of human rights. In many countries, the European Union is providing electoral assistance or deploying election observers; the European Union support for the recent elections in Cambodia is a case in point.

The European Union recently approved guidelines for European Union electoral observation. These guidelines set out the conditions that must be met for the European Union to be prepared to get involved in electoral processes and to send election observers. This includes the respect of certain minimum democratic standards in the country concerned and the existence of certain conditions concerning the work undertaken by the observers. It also sets out a code of conduct for the observers and lists the factors that should be taken into account when assessing the validity of an election. The new guidelines will serve as an important tool for the EU to effectively support processes of democratization.

In conclusion, the European Union will continue to strongly support the efforts of the movement of the new and restored democracies as well as the United Nations. As we all know from our own histories, the establishment and strengthening of democracy is not an easy task. It requires not only the sustained efforts of the entire society and wise leadership, but also international assistance. This might sometimes also include advice and even criticism. Let me assure the General Assembly that the European Union will continue its active policy in this regard.

Mr. Ouane (Mali) (*interpretation from French*): The item under consideration, entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies", is of particular importance to my country, Mali.

In this respect, I wish to thank the Secretary-General for his instructive and analytical report, contained in document A/53/554. This report contains enlightening information on the follow-up process to the Third International Conference of New or Restored Democracies on Democracy and Development; it also presents a summary of the activities carried out by the United Nations system in democratization and governance. My delegation has attentively studied the contents of the report and I wish briefly to lay out our thoughts on it.

It goes without saying that Mali fully endorses the mechanism established to follow up the achievements of the Third International Conference of New or Restored Democracies, held in Bucharest from 2 to 4 September 1997. Like other new or restored democracies, my country has a special interest in this question. We believe that, in order to achieve concrete results — and this is imperative — it is important to implement the recommendations of the Bucharest Conference, which seek to strengthen the development of democracy, to promote communication and understanding among new or restored democracies, as well as cooperation with traditional democracies, or to share the progress made by the various participating countries on the way to democratization. In this respect, my delegation welcomes the proposals for the follow-up mechanism contained in the Secretary-General's report.

As we refer to activities conducted by the organs of the United Nations in the field of democratization and governance, I would like to draw attention to the following facts.

First, the question of elections in the new or restored democracies deserve to be given special attention. For, as Mr. Alpha Oumar Konaré, President of the Republic of Mali, has indicated, post-electoral periods are becoming a danger for democracy. In order to avoid a loss of control, the players in the political sphere must be able to arrive at what he called dynamic democratic compromises, based on the idea of sharing rather than exclusion.

In this context, in the very near future, a national forum will be convened, aimed at initiating calm and deep reflection on the issues and the future of Mali's democracy. The objective is to improve our democratic system in order to make it possible to give the broadest possible role to consensus and sharing, the expression of differences, pluralistic expression and the possibility of changeover of political power among parties.

Along the same lines, my delegation is of the opinion that it is important to ensure the transparency of elections, which need to be as regular as possible. To that end, the establishment of national and even regional mechanisms could be useful. In this respect, Mali welcomes the proposals made in the framework of the reforms that are under way in our Organization, aimed at rationalizing the way in which the Organization provides electoral assistance to Governments, and especially to the Governments of new or restored democracies.

The second point that must be considered with respect to the question of new or restored democracies is the question of managing the socio-economic difficulties they confront. Even when democratization goes hand in hand with economic liberalization, the social cost to be paid may be high. Economic difficulties could undermine confidence in the viability of democratic institutions.

This is why, in the view of my delegation, efforts to alleviate economic difficulties and poverty, and hence social tension, require perseverance, of course, but also unquestionably require sufficient resources, as well as international support and assistance.

The third issue, which I particularly wish to emphasize, is the growing importance of the topic of good governance and democratization in the international debate on sustainable development and peace-building. On the basis of that conviction, the Government of Mali has offered to host the third forum on governance in Africa, which will be held in Bamako in June 1999.

Mali's experience in this area shows that a redefinition of the role of the State is necessary; this is already apparent in an ambitious policy of decentralization. Thus, 682 rural townships will be established in April 1999, to be added to the 19 municipalities that already exist. Taken together, these will establish a true chain of solidarity and sharing. But populations have already initiated and successfully piloted grass-roots projects and enterprises in which authority is exercised in freedom and responsibility, in accordance with the laws and rules of the country. This applies to community schools, community health centres, village savings banks and credit unions and the community management of rural agriculture and loans.

Drawing a lesson from Mali's experience, President Konaré has noted that "the democratic management of community assets in rural areas preceded the advent of political democracy since many village cooperative and associative movements existed prior to March 1991."

These achievements in Mali are in line with the recommendations contained in the final declaration of the Bucharest International Conference regarding the role of civil society in the process of democratization. This is why my delegation welcomes all the relevant proposals contained in the report of the Secretary-General.

I would like briefly to raise an issue that is not mentioned in the report but that is nonetheless the gravest of threats to democracy: the proliferation of light arms. Following the adoption of a moratorium on the import, export and manufacture of light arms in West Africa by the twenty-first session of the Conference of Heads of State or Government of the Economic Community of West African States, upon the initiative of Mali, I would like to emphasize the need to incorporate in the consideration of the question of new or restored democracies questions related to security in order to strengthen the capacities of States in this field and promote international cooperation in this respect.

I would like, in conclusion, to reiterate to the delegation of Benin my assurance of country's support in making the Fourth International Conference of New or Restored Democracies a success.

Lastly, I would like to say that my delegation co-sponsored draft resolution A/53/L.38, which has just been introduced by the representative of Romania, because we support the political message contained therein, and we hope it will be adopted without a vote.

Mr. Enkhsaikhan (Mongolia): My delegation welcomes the Secretary-General's report on the item entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies", as contained in document A/53/554.

We also welcome the outcome of the Ministerial Meeting of participating countries at the Third International Conference of New or Restored Democracies, held in New York last 22 September. As we all are aware, that Meeting provided the opportunity for assessing the progress achieved in the implementation of recommendations of the Third International Conference and endorsed the follow-up mechanisms. As mentioned in the Secretary-General's report, the follow-up mechanism underlines the progress made to improve coordination between representatives of Governments, the United Nations system and civil society.

My delegation also appreciates the creation of a Web site on democratization and governance, which is linked to the Web site created by the United Nations Development Programme (UNDP).

With a view to contributing to the development of a plan of action for the implementation of the recommendations of the Bucharest Conference, the Government of Mongolia has been constantly taking measures to promote democracy and democratization, and to that end it has widely disseminated the final document of the Bucharest Conference. An international symposium on education for democracy, with the support of UNDP, will soon be held. The publication of a book on democracy in Mongolia, reflecting Mongolia's experience during this major transformation, is also under way. Mongolia will also fully implement the project on decentralization and support for democracy in cooperation with UNDP.

The Vienna Declaration and Programme of Action (A/CONF.157/24, part I) clearly points out, in paragraph 8, that

"Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives."

It is also stated in the Agenda for Development that efforts to promote democracy and good governance are fundamental for consolidation of peace and development.

International experience vividly demonstrates that without good governance — without the rule of law, predictable administration, legitimate power and responsive regulation — no amount of funding and no short-term economic miracle alone can set the developing world on the path to prosperity.

Mongolia is continuing to pursue its policy of political and economic reforms. Our commitment to the principles of democracy, liberalism and market economy is irreversible, despite the current difficulties of the transition period. Major policy priorities in the future will continue to be the further strengthening of democratic institutions, in broadening of the basis of political stability, further decentralization, the acceleration of privatization in the economic field and the fuller social protection of the population, especially of its vulnerable groups.

Mongolia's democracy is still in its maturation stage. Though the Government is fostering an open and participatory democracy, not all groups and individuals are yet able to realize their economic, social and political potential, and not all feel that they are sharing the benefits of an open and democratic society. Indeed, political democratization alone is not sufficient to ensure the participation of the poor and vulnerable in the economy, though it compels the Government to take heed of these groups' concerns. Weak economic and social infrastructures and low incomes mean that many people, especially in remote areas, still live in isolation from the mainstream of economic and social developments. In order to overcome the existing difficulties in the foreseeable future, external assistance and support remain important — a point just underlined by the representative of Mali.

Mongolia agrees that democracy is not a model to be copied or imposed, but rather a goal to be attained, and that the pace at which democratization can proceed is dependent on a variety of political, economic, social and cultural factors. In this respect, the Secretary-General has rightly expressed that

"There is no one democratic model. Every democracy, like each individual, has its own character, depending on specific political, social and economic circumstances, cultures and traditions. All

democracies, like all human beings, have their own pace of development. There will be progress, but there will also be setbacks and periods of stagnation."

My delegation fully shares the view of the Secretary-General.

In conclusion, my delegation would like to thank the Government of Benin for its gracious offer to host the Fourth International Conference. Mongolia fully supports the convening of these international conferences at regular intervals, seeing in them a valuable forum for exchange of experience and for cooperation. Once again, I would like to express Mongolia's readiness to host one of the forthcoming conferences in my capital, Ulaanbaatar.

Finally, as a sponsor of the draft resolution contained in document A/53/L.38, which was introduced this morning by the representative of Romania, my delegation expresses the hope that it will be adopted without a vote, as have been such resolutions in previous years.

Mr. Wenaweser (Liechtenstein): The efforts of the United Nations system to support democratization are, in our view, among the most important and forward-looking activities carried out by our Organization, and we are committed to giving our support to further developing the endeavours of the United Nations in this respect. Since the inception of its programmes in this area, the United Nations has undertaken manifold activities and accumulated an impressive record in this respect. This record includes work in the field of electoral assistance and programmes integrated into peacekeeping and post-conflict peace-building operations, as well as governance programmes. Both the United Nations Development Programme and the Office of the High Commissioner for Human Rights have been active in this regard, mainly through technical cooperation projects, and we would like to commend them for their conceptual and operational work in this respect.

The Vienna Declaration and Programme of Action, which was adopted five years ago, affirmed that democracy, development and respect for human rights are interdependent and mutually reinforcing. This statement makes it very clear that efforts aimed at strengthening democracy contribute to fulfilling some of the priority objectives of the United Nations. The participation of all people and the direct involvement of the individual in the political process provide democratic societies with an unmatched opportunity to make best use of their economic and human resources and thus to achieve optimum progress towards sustainable development. Democratic systems are the best way not only of ensuring respect for all human

rights and fundamental freedoms, but also of preventing conflicts and of creating conditions which enable people to live under prosperous conditions and to achieve social progress with better standards of life in larger freedom. While democratic systems can take on different forms according to the prevailing circumstances, there are certain constituent key elements common to all of them, such as accountability, respect for human rights, the rule of law and genuine periodic elections. Democracy is not primarily the result of a policy decision, but the outcome of an evolving and self-sustaining process which has to face and overcome new challenges every day. It is thus not only appropriate, but indeed necessary, that the United Nations assist countries which feel a need for such assistance to cope with challenges of this kind and to create a more solid basis for the future of society and all people concerned.

There is clearly a preventive dimension to the work of the United Nations system to give support to democratic systems. This dimension encompasses both the prevention of armed conflicts and massive and large-scale violations of human rights. We hold the view in general that the preventive aspects of United Nations work deserve our full political and financial support, and we are also strongly in favour of further developing the conceptual aspects of these activities.

In our opinion, there is an intrinsic link between democracy and the right of peoples of self-determination. Common article 1 of the human rights Covenants of 1966 stipulates that, by virtue of the right of self-determination, which had previously been enshrined in the Charter of the United Nations, all peoples have the right to freely determine their political status. The holding of genuine and periodic elections, a key element of every democratic system, is thus one means of enabling peoples to exercise their right of self-determination. We also hold the view, however, that the right of self-determination has additional potential which the United Nations system should explore and develop for the benefit of peoples worldwide and as a contribution to the maintenance of international peace and security.

It has been said many times that we live in an era of democracy, and we also live in an era in which the character of armed conflicts, which are a threat to democracy, development and human rights, has changed, in that the vast majority of such conflicts today are conflicts within States. There are no indications that this trend will revert in the near future, and in such a situation the United Nations system finds itself confronted with new challenges. These include issues such as the

question of non-State actors and, in keeping with the overall necessity to enhance the preventive capacities of the United Nations system, the question of the prevention of such internal armed conflicts with all their devastating consequences.

The prevention of internal armed conflicts will, in our view, be a key element of the future activities of the United Nations. Such efforts clearly require the political will and readiness of the countries and Governments concerned, but at the same time the preparedness of the United Nations system to assist in addressing root causes of such conflicts in an efficient manner. It becomes clear on a regular basis that tensions between communities and Governments or among communities are very often the root causes of the outbreak of internal armed conflicts.

It thus seems to us indispensable that the United Nations system be ready to provide assistance to defuse such tensions before they lead to the outbreak of an actual armed conflict. Such solutions could, in our opinion, be based on the exercise of the right of self-determination consistent with other key principles of international law. A genuine and open dialogue between communities and central Governments based on a framework elaborated within the United Nations and providing for a flexible system of self-administration and self-governance could, in our view, often be the solution to such problems and thus constitute a major contribution to democracy, development and human rights. We presented our ideas on this issue to the General Assembly quite some time ago and look forward to further discussions.

Liechtenstein will continue to follow the work of the United Nations system in this area with keen interest. In the light of the developments on the African continent, and also of the relevant report of the Secretary-General, we find it most appropriate that the Fourth International Conference of New or Restored Democracies will be hosted by an African country. We would therefore like to extend, in conclusion, our gratitude to the Government of Benin for its willingness to host that important event.

Mr. Castellón Duarte (Nicaragua) (*interpretation from Spanish*): I have the honour to speak on behalf of the Central America countries of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, as well as the Dominican Republic.

Allow me at the outset to express appreciation for the report of the Secretary-General contained in document A/53/554, which provides us a comprehensive view of the progress made over the last year in activities to strengthen

democracy and democratization in the world and of the relevant activities carried out by the United Nations.

Among the advances highlighted by the Secretary-General are, first, the various actions carried out by the mechanism to follow up the implementation of the recommendations of the Third International Conference of New or Restored Democracies, held at Bucharest from 2 to 4 September 1997, with the aim of disseminating information on the programmes designed to consolidate democratic development, lend assistance in the promotion of communication, promote understanding between new or restored democracies, promote their cooperation with established democracies and share the progress achieved by each participating country towards attaining democratization.

The Web site created on democratization, the forum on democracy and the self-evaluation by Governments are just a few of the most important advances made during this period.

The promotion and protection of human rights, especially those of children, women and the elderly, is a principal concern of the government programmes of new or restored democracies. We have taken important steps in this area, but we note with concern that within the international community there are still certain sectors that resist making changes and still fail to respect human rights, especially in the civil political arena. We must work together to take appropriate and necessary actions within the framework of the United Nations Charter so that those peoples deprived of their most basic rights and freedoms may very soon join our group of nations which, thanks to our own efforts, the efforts of friendly countries and the help of God, have gone beyond violence and reorganized our public life in a participatory, multiparty democratic system with full respect for human rights.

In connection with respect for human rights, our peoples have rejected corruption and have demanded greater transparency in governmental action. These aspirations have been included in the internal legislation of our countries in order to strengthen democracy and economic development. In this regard, in our Central American region, in addition to having signed the Inter-American Convention against Corruption, we have drafted the Central American convention on the prevention and repression of the laundering of money and other assets from illegal drug-trafficking and related crimes and the Framework Treaty on Democratic Security in Central America, signed in Honduras on 15

December 1995, by which we have committed ourselves to preventing and fighting all types of criminal activities with regional or international consequences, such as terrorism, sabotage and organized crime, and to impeding in our territories, through all available means, the planning, preparation and commission of such criminal activities.

Democratization must be a worldwide movement that reaches every corner of the Earth, because democracy is the system of government best attuned to the human being's natural desire for freedom. We, the countries of Central America and the Dominican Republic, have learned that the democratic system is the best model to guarantee a framework of freedom that makes possible lasting and sustainable solutions to the economic, political and social problems that afflict our societies.

In the Central American region, the process of strengthening and consolidating democracy began during this decade in a very special way; there, after long years of internal conflict in a number of our countries, and after dictatorial Governments and military regimes, a solution was achieved through negotiations among the sectors in conflict. These were sponsored by friendly countries and by international organizations such as the United Nations. Now, our societies are experiencing democracy that includes political pluralism, open dialogue with civil society, recognition and protection of fundamental human rights including freedom of association and of expression, the division of powers, an independent judiciary and the subordination of the military to the civilian authorities. In our region, the State based on the rule of law has replaced despotism.

The movement of new or restored democracies, and its international conferences, have had a positive impact world wide. Since the second International Conference of New or Restored Democracies, the United Nations has participated in an appropriate manner. An objective of the second Conference, which was held in Central America — in Managua, the capital of Nicaragua, in July 1994 — was to reaffirm, especially for the Central American region, the effectiveness of representative democracy as a system of government and to assess the weaknesses and prospects of new democracies and the challenges they are facing. At that Conference, 50 countries from Asia, Africa, Latin America and Europe adopted a plan of action whose objectives included promoting the acceptance of and respect for democratic principles, encouraging a broader understanding of democracy, strengthening bilateral and multilateral international cooperation and promoting support for the movement by the United Nations system and international financial institutions.

Despite the achievements of Managua and the resolutions adopted at the third International Conference, held at Bucharest in September 1997, we note that young or emerging democracies still need additional support in the social, political and economic spheres if they are to consolidate their representative democracies and the irreversible establishment of a State based on the rule of law, guaranteeing the safety and security of their citizens.

At the Bucharest Conference, ministers and other representatives of new democracies recognized the weakness of Government structures with respect to maintaining order, avoiding corruption and promoting respect for the law; we therefore reaffirmed the urgency of combatting the unemployment that leads to dire poverty and to increased corruption and crime.

To reach the goals set at the Manila, Managua and Bucharest International Conferences, we agreed on recommendations for States, civil society and the donor community. Among the recommendations to Governments, I would highlight promoting and protecting human rights, ensuring the complete independence and effectiveness of the judiciary, promoting laws against corruption, respecting the participation of the political opposition and making possible genuine, sustainable development.

Our delegations support the continued activity of the movement of new democracies. We therefore welcome the offer by an African country, Benin, to host the fourth International Conference of New or Restored Democracies.

Let me conclude by making reference to a statement by the Minister for Foreign Affairs of the Republic of Nicaragua, His Excellency Mr. Eduardo Montealegre Rivas, at the Ministerial Meeting of New or Restored Democracies held at United Nations Headquarters on 22 September 1998, at which the minister was a guest speaker. In his statement he reiterated the Nicaraguan Government's unswerving commitment to continuing its active participation in the movement, within the framework of the Central American Integration System, and its readiness to share the challenges we decide jointly to address, with a view to entering the new millennium with a community of nations free of all the disheartening vestiges of the past and bequeathing a better world to future generations.

The meeting rose at 1.05 p.m.



General Assembly

Fifty-third Session

67th

plenary meeting

Monday, 23 November 1998, 3.10 p.m.

New York

Official Records

President: Mr. Operti (Uruguay)

In the absence of the President, Mr. Filippi Balestra (San Marino), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 33 (continued)

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Report of the Secretary-General (A/53/554 and Corr.1)

Draft resolution (A/53/L.38)

Mr. Kolby (Norway): The broad participation in the Ministerial Meeting of the group of New or Restored Democracies here in the United Nations two months ago was a clear illustration of the fact that democracy is taking hold all over the world. As the twentieth century draws to a close, democracy is emerging as a clear winner on the global scene.

Democracy has proved to be the choice of free people all over the world. The reason is obvious. Democracy gives every person a voice, it gives everyone the freedom to utilize his or her full potential, and it enables individuals and societies to harness the very best of their resources. Democratic governance is conflict-solving and war-hindering. It is by far the best means for political stability and sustained economic progress.

The challenge before us now is to strengthen and renew the forces of democracy so that they can take root in every sector and every level of society — how to underpin democracy and let the will of the people set the course for the future. The group of New or Restored Democracies has taken on an important role in this endeavour.

In a few weeks we will commemorate the fiftieth anniversary of the Universal Declaration on Human Rights. On 20 November, the Third Committee adopted the Declaration on human rights defenders, which highlights the role of civil society in pursuing universal implementation of human rights. This is a basic building block for democracy.

Democracy is more than genuine and regular elections. It is about the rule of law, political accountability, pluralism and human rights. Although democracies come in many shapes and forms, they are all built on certain basic principles. Norway very much welcomes the work of the group of New or Restored Democracies in bringing about a common understanding of the minimum conditions for democracy. The guidelines adopted at the Bucharest Conference last year are most important to this end.

Human rights cover civil and political as well as economic, social and cultural rights. Combating poverty is one of the most important human rights issues facing us. Human rights constitute an integrated and mutually reinforcing whole, and democracy means respecting people's rights — all of them.



An important theme at the September meeting of the group of New or Restored Democracies was indeed the close interrelationship between democracy and development. Many speakers, including the Norwegian Minister of Foreign Affairs, Mr. Knut Vollebaek, identified poverty as the single most formidable threat to democracy. Economic opportunities and social progress are essential for democracies to flourish. Poverty is undermining democracy and hampering democratic developments.

We are, however, presently witnessing a widening gap — among nations as well as within them — between those who live in affluence and those who do not have sufficient means of subsistence. The global financial crisis has aggravated the poverty problem by forcing people out of work, families out of their homes and children out of their schools. Today, it is more important than ever to provide a social security net for those in need while vigorously fighting the underlying causes of poverty with every means available.

Unless we are able to bridge the poverty gap, misery and disillusion will prevail, and democracy will grow on thin soil. Words alone will not suffice. Increased development assistance is clearly needed.

The peaceful resolution of conflicts is at the very core of democracy. The building of democracy is a long-term process, particularly in societies where conflicts traditionally have been solved by violent means. In post-conflict situations, particular attention must therefore be given to the development of democratic institutions and of a vibrant civil society which will further promote democracy and guard against undemocratic counter-currents.

The report by the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, and the subsequent discussion here at the United Nations, clearly illustrated that democratic governance is essential for political stability and economic development. The African nations themselves have the primary responsibility for defining and implementing solutions to the many problems ravaging their continent, thereby laying the foundations for long-term development. But assistance from the international community must be available. Norway remains committed to contributing to these efforts.

Democracies are never completed. They need constant renewal and adaptation to new circumstances.

Strengthening democracy requires dedication and patience, and better cooperation among the different actors involved is essential. Norway will work for even closer cooperation with the United Nations and groups like that of New or Restored Democracies when next year we take over the chairmanship of the Organization for Security and Cooperation in Europe.

Norway is strongly committed to democracy. We believe in building democracy and democratic rule within and among States. Democracy does not come by itself. Democratic values must be actively pursued. Standing together, we may turn global democracy into reality.

Mr. Selim (Bangladesh): Bangladesh attaches particular importance to the agenda item entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies". We believe that the United Nations system can play an effective role in the global democratization process. Millions of people worldwide who have either restored democracy in their countries or started the democratization process are looking to this world body for support and for the cooperation of the international community in their efforts towards democratization, good governance and development.

We commend the Secretary-General for his report (A/53/554), which gives us a comprehensive overview of the activities and ideas of the United Nations in this regard. We also thank the Government of Romania for organizing the Third International Conference of the New or Restored Democracies on Democracy and Development. Such conferences serve a very important purpose: to reaffirm the effectiveness of democracy as a system of government. They also offer the opportunity formally and informally to exchange experiences and learn from such exchanges.

The changes that have taken place in the international arena provide us with a powerful impetus for the global process of democratization. The first International Conference of New or Restored Democracies, held in the Philippines in 1988, encouraged many countries of the world, in realization of their people's aspirations, to join the family of States that had been pursuing freedom, justice and democracy for many decades or in some cases centuries.

The Declaration and Plan of Action endorsed by the Second International Conference, in Nicaragua in 1994, urged the United Nations system to have an active

involvement in the process. The final document of the Third International Conference, held in Bucharest in September 1997, underlined the United Nations role in helping countries meet their challenges. I am confident that our discussion today will assist our world body in defining further its role in the promotion of global democracy.

In the present international setting, it is only democratization which can help States effectively address many problems and tensions of today's world. It can help States in formulating policies for the next century. Democracy and development are inseparable. In the context of the present-day world, on the road to development and democratization, the poor countries of the world depend to a great extent on the cooperation of the developed economies which are also developed democracies. In many instances, the developing countries are given conditions for development cooperation which most often are irrelevant and inappropriate. Such conditionalities, when attached to cooperation packages, negatively affect the recipients and do not promote the objective of cooperation because different democracies have different characters stemming from specific political, social and economic circumstances, cultures and traditions. We are happy to note that the Secretary-General has highlighted this fact in his report.

The Government of Prime Minister Sheikh Hasina, the daughter of the founding father of Bangladesh, Sheikh Mujibur Rahman, since assuming office following a free and fair election in June 1996, has been trying to reinforce democracy and promote good governance. With a view to promoting social cohesion and integration and ensuring the well-being and participation of the people, Bangladesh is seriously engaged in peace and the delegation of power to the local bodies. In this context, I have the privilege to say that the Government of Sheikh Hasina, through the Bangladesh National Parliament, is in the process of passing bills which would introduce decentralization of the central Government, resulting in the transfer of more powers to the democratically elected local authority bodies, such as union, thana/upazila and district councils.

The commitment of Bangladesh to democracy and the rule of law prompted us to accord priority to human rights. I am happy to inform this body that Bangladesh is in the process of setting up an independent national human rights commission with the objective of taking human rights issues to the grass-roots level to increase awareness among our people of their rights. Bangladesh believes in the centrality of the right to development within the human rights regime. We are embarked on a comprehensive programme of reform and deregulation.

Social development has remained a main focus of all development strategies. Education, health care and women's involvement within the broad framework of human development continues to receive priority attention. The rights of women and children are being focused upon. The role and involvement of civil society in our development and democratization efforts, particularly in social sectors, have been remarkable.

We strongly recommend that the Organization improve its capacity to respond effectively to the requests of Member States for support for their democratization efforts. While doing so, we also recognize the responsibility of the respective countries for ensuring observance of important principles such as human rights, individual freedom, peace, justice, equality, the rule of law, pluralism, development and better standards of living. In this respect, we must bear in mind the fact that democracy functions best under the freely expressed will of the people to determine their own political, economic, social and cultural system and their full participation in all aspects of their lives. However, we must at the same time recognize that the essential values of democracy, such as free and transparent elections, development and peace, are not undermined.

My delegation is happy to note that the follow-up process of the implementation of the recommendations adopted at Bucharest has initiated projects such as a Web site, a database, an inventory and the democracy forum. We are also happy to note that the Fourth International Conference will take place in Benin. We are confident that the Fourth International Conference will be able to mobilize the wisdom and sagacity of African leaders to speed up and broaden the process of democratization throughout the world.

Mr. Diagne (Senegal)*(interpretation from French)*: The Senegalese delegation is pleased to join in support of the draft resolution on support of the United Nations system for the efforts of Governments to promote and consolidate new or restored democracies. Debate on this item at this session of the General Assembly is, in my delegation's view, both a sign of the times and a reaffirmation of a historical truth — the universal need for democracy.

Over the years, the march of peoples towards liberty and democracy has accelerated, highlighting the natural right of human beings to enjoy freedom and manage their life democratically. The recent history of new or restored democracies shows us that a political system will always

fail if it overlooks the obvious principle that the power and legitimacy of Governments must always be founded on the freely expressed consent of its citizens. Above and beyond principles, documents and institutions, we consider that the democratic system is primarily a state of mind, an area for the flourishing of humankind in which the freedom of one individual ends where the freedom of another begins. These, in the view of my delegation, are some of the parameters that must be respected for the establishment of democratic culture and the consolidation of new or restored democracies.

It is right and timely to recall here that in order for democratic regimes to last, particularly in the developing world or in countries in transition, a viable economic and social foundation conducive to the full realization of economic, social and cultural rights is required. In short, the right to development is an inextricable complement of civil and political rights. Therefore, democratization must be supported through a comprehensive approach incorporating political, institutional, economic and social dimensions because democracy, peace and development complement each other and contribute equally to the well-being and progress of peoples.

In this regard, my delegation has noted with interest the activities undertaken by the United Nations in support of efforts of Governments to promote and consolidate new or restored democracies. The Secretary-General's report contains interesting points, particularly with regard to technical cooperation, support for good governance, the reform of the public sector, the strengthening of the legal system and the fight against corruption.

We also hope that more sustained attention will be given to cooperation between traditional democracies and new or restored democracies, particularly with regard to exchanges of experience on ways and means of improving our systems.

Since democracy is an ideal, it has taken no final form, but is always moving towards an ideal. Democracy is, in short, a work always in progress, built in accordance with the histories and cultures of peoples.

In conclusion, I would like to pay tribute to the Romanian Government for its meaningful contribution to promoting this subject by hosting, in September 1997, the Third International Conference of New or Restored Democracies in Bucharest. I am convinced that the Fourth Conference, which is to be held in Benin, on African soil,

will provide an opportunity to extend even further what was accomplished in Bucharest.

Mr. Yacoubou (Benin) (*interpretation from French*): The delegation of Benin congratulates the Secretary-General on the issuance of his report (A/53/554) entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies", which contains extremely useful information for our current debate.

Democracy is a model for economic and social development. It is a valuable asset in the common heritage of humankind, one that the international community has the responsibility and the duty to preserve always and everywhere. It is for this reason that my delegation welcomes all the initiatives that the Secretary-General, as well as United Nations bodies and specialized agencies, have undertaken throughout the world in support of efforts made by Governments to promote and consolidate new or restored democracies.

I would like most earnestly to thank all the institutions of the United Nations system that have organized training programmes, seminars and other programmes throughout the world to promote a democratic culture in countries that have so requested.

Democracy is a demanding and costly human endeavour, but it is very profitable in terms of social peace and the well-being of peoples. Indeed, the exercise of democracy allows us to establish lasting concord and social peace among the citizens of all countries, who furthermore enjoy free expression and benefit from equality before the law. It allows for the full development of the human being by eliminating most of the obstacles that can be seen in other systems of Government.

In order to be truly efficient and to assure the full development of the individual, democracy needs to be based on certain fundamental criteria, of which the most important, in the view of my delegation, are literacy and an awareness by the people of their rights and duties. In fact, we cannot really conceive of the flourishing of a democracy with an entirely illiterate and uneducated population, or where it is difficult for citizens to express opinions on the various social plans presented to them by candidates for elective office.

It is for this reason that my country, in its programme of democratization, also attaches great importance to the training aspect and, above all, to that

of literacy for those strata of the population that have not had access to schooling.

My delegation would like to take this opportunity to thank Benin's development partners that are acting in the area of education in general and literacy in particular.

I would also like to take this opportunity to appeal to the international community to provide more help to my country in achieving its objective of primary education for all Beninese children in the near future, with the goal of strengthening lasting democracy in the country. Furthermore, my delegation remains convinced that simply meeting the requirement of periodic elections is not enough, and could not be at all decisive in establishing and guaranteeing lasting democracy in a given country, especially in a developing one.

This is where the responsibility of the international community comes into play, in its efforts to support those made by young democracies to establish a lasting democracy by developing a sustainable economy that allows each and every citizen to have the minimum necessary for a decent life.

Indeed, most young democracies develop in a fragile economic environment; but each and every one of us knows that a minimum of economic development — a minimum of material basics — is an essential prerequisite for the establishment of a genuine democratic culture.

Periodic elections, the foundation of democracy, are costly and absorb a high percentage of the small budgets of certain young democracies. This means constant resort to assistance from the international community for those countries going through the difficult stages of consolidating the democratic experience.

My country, Benin, which since 1990 has committed itself to this lofty democratic experience, is striving to establish a democratic culture among all strata of society. So it is that in the framework of good governance the Beninese Government has undertaken a vast programme to fight corruption, a phenomenon whose harmful and perverse effects on the economy of a country are well known. The multiplicity of sources of information has been encouraged by the public authorities, which means that the State authorities no longer have a monopoly on information. Moreover, in order for each citizen to participate better in the management of public affairs, the Government has initiated a reform of the territorial administration reform aimed at decentralization. This

reform, which will allow for the grass-roots election of local officials, who will naturally be accountable to those who elect them, is now at an advanced stage.

Once again, the Government of Benin, through me, would like to extend its sincere thanks to our development partners that support this project, which my delegation believes to be very important in the inculcation of democratic culture in Benin.

My delegation would like to thank and commend the international community for the results achieved during the Third International Conference of New or Restored Democracies, held in Bucharest from 2 to 4 September 1997, and above all for the unanimous support given to the candidacy of Benin to host the Fourth Conference, which will take place in Cotonou in the year 2000. Furthermore, we are pleased to inform the Assembly of the decision taken by our sister delegation of Cameroon to join the many sponsors of draft resolution A/53/L.38, which we hope will be adopted without a vote, as have been such resolutions in the past.

The Government of my country has already begun preparations for the efficient holding of this Conference on African soil for the first time. This is a sign of solidarity with and benevolence towards the young African democracies.

In conclusion, I wish to pay a hearty tribute to the permanent mission of Romania for the friendly and generous cooperation it has been showing my delegation in the context of these preparations. As always, Benin is counting on the international community, the Secretary-General, the United Nations bodies and specialized agencies, intergovernmental and non-governmental organizations and the community of development partners for their valuable contributions to making the Conference a success that will do credit to the entire international community in its efforts to consolidate democratic culture throughout the world.

Mr. Kafando (Burkina Faso) (*interpretation from French*): The 1990s were marked in Africa by such a strong movement towards liberal democracy that elections set the pace of political life on the continent. Presidential elections were held just a few days ago in my country, Burkina Faso. In the Central African Republic, votes are being counted in the legislative elections that took place yesterday. Next month, in December, there will also be presidential elections in Gabon and Guinea. In 1999, at least four major elections are scheduled in Algeria, South

Africa, Guinea-Bissau and Nigeria. In other words, pluralistic democracy has become an essential imperative.

Much remains to be done, however. One need only recall that 20 years ago, in the 1970s, during a period of extreme militarization among regimes in Africa, only two States in West Africa — Senegal and Burkina Faso, then called Upper Volta — were practising multipartism, doing so at great risk. It was not until 1990 that most African Governments — admonished by the West, which was then linking assistance to government democratization — began to take their medicine. Today, most of these regimes have become democratic, but it will surprise no one that this kind of achievement is never set in stone.

Indeed, we all know that democratization is a work in progress, given the great resistance and numerous impediments to its flourishing. For instance, habits acquired in the exclusive wielding of power do not readily accept the transfer of power, which is the keystone of democracy. There are also sociological burdens. There is even the philosophical argument about whether representative democracy is compatible with African culture. Hence the need to support the efforts of Governments to encourage and strengthen these new democracies.

The report of the Secretary-General before us, which we welcome for its clarity and interesting proposals, is a valuable contribution in this respect. No democracy can flourish in disorder and social confrontation. The United Nations took this into account by ensuring that the peace has been kept in some Member States in order to allow elections to be held without hindrance. The United Nations missions in Haiti and Bosnia and Herzegovina allowed the smooth holding of elections there. Similarly, the United Nations Mission for the Referendum in Western Sahara is facilitating the organization of a self-determination referendum in that country. The United Nations Mission in the Central African Republic is giving technical support and advice to the organization of elections in that country.

The United Nations system has also done a great deal to raise awareness, particularly by mobilizing civil society and encouraging its participation in democratic practices. To that end, United Nations information centres have played and continue to play a key role in educating citizens and the media. United Nations electoral assistance is also visible and highly appreciated. The Secretary-General's report indicates that there have been 140 requests for electoral assistance since 1989.

The commitment of the United Nations system to helping Governments promote and consolidate new democracies speaks for itself. We would, however, like to emphasize two important aspects that we believe should receive the utmost attention of the international community.

First, we believe it essential that the United Nations increase its assistance in the area of human rights, because true democracy requires strict respect for such rights. The denial of human rights, the essential pillars of society, leads to the denial of democracy. The person who does not respect human rights cannot understand the very validity of democracy. United Nations action in this area must be focused on reinforcing democratic culture. The system's specialized institutions can play a decisive role in this regard.

Secondly, we feel that it is urgent for the United Nations to draw the international community's attention to the importance of the Fourth International Conference of New or Restored Democracies, scheduled for the year 2000. After the earlier three Conferences, which had a positive effect on the world political order because of the greater consideration accorded to the requirements of democracy, this Conference will be of paramount importance because it will allow us to summarize all the efforts made to date to safeguard and consolidate new democracies and to define new projects. Africa is grateful to the United Nations for the fact that it will be convened on African soil.

Benin, the venue of choice, is an appropriate symbol because that brotherly country, having abjured Marxism-Leninism, became a pioneer democracy by opening a series of national conferences to serve as the inspiration for most African States in their work to democratize their political systems. I therefore urge the General Assembly to give its full support to draft resolution A/53/L.38.

Mr. Kastrup (Germany): My delegation fully associates itself with the statement just delivered by the representative of Austria on behalf of the European Union. In particular, Germany fully subscribes to the European Union's commitment to the worldwide promotion and consolidation of new or restored democracies and supports substantially the pro-democracy activities outlined in that statement.

Germany's keen interest in the issue of promoting and consolidating democracies goes well beyond moral and material support to third countries. Indeed, the fall of

the Berlin Wall nine years ago placed us among those for whom the restoration of democracy is a day-to-day challenge in our own country.

The peaceful revolution which took place in East Germany will always be a source of pride for us Germans. It was brought about in a non-violent manner by the people through the continuous public expression of their will.

German unification has to be understood as part of a development towards unifying Europe. Both processes are based on the firm belief in and unconditional respect for human rights, democracy and the rule of law. But building and preserving these foundations of German and European unity is not an easy task. We know that the advent of democracy often creates high-flying expectations that are not easy to fulfil.

Looking at the situation in the new federal states, we know that not only reconstructing the economy and the institutions, but also developing a stronger sense of belonging together will be a lengthy process. The new German Government will devise a promotion strategy for the new federal states. Federal Chancellor Gerhard Schröder has declared that he will personally be involved in reconstructing the new federal states. Paying tribute to what East Germans have gone through and what they have accomplished, Chancellor Schröder underlined,

"The civic courage, creativity and flair for innovation of East Germans can and should teach many in the West a thing or two. People in the new *Länder* have no small experience of both the myths and the realities of politics. They have a right to know what the problems are and what solutions there are — and then to demand that we lose no time in tackling them."

Sharing with the Assembly some of our German experiences by no means implies that for Germany the promotion and consolidation of democracy has become a matter of mere introspection. On the contrary, our own experiences allow us to have a better understanding of the material, institutional and psychological problems involved.

Our involvement with the movement of new or restored democracies and our attendance at the International Conferences and the recent Ministerial Meeting organized to follow up on them; our support for democratization programmes led by the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union; our own

national democratization programme; and, not least, our support for the draft resolution sponsored by Romania are living proof of our firm and substantial commitment to the cause of promoting and consolidating democracies.

In conclusion, let me share with the Assembly one aspect of our national experience that seems to me to be of particular relevance. Democracy is no quick fix to the unresolved problems of an economic, social, political or cultural order. But it is the only remedy likely to produce lasting solutions, the only way to ensure that problems which may arise in the future will be dealt with fairly and equitably and the best way to inspire a new common sense of purpose in a people that history had torn apart.

In this spirit, Germany is interested in continuing its cooperation with the new and restored democracies. While we thank Romania in its capacity as the acting Chair of the Third International Conference of New or Restored Democracies, our best wishes go to the Government of Benin in its intention of carrying on the torch.

Mr. Mabilangan (Philippines): I would like to express our appreciation to the Secretary-General for his concise and comprehensive report on United Nations support for the efforts of Governments to promote and consolidate new or restored democracies. In his report, I believe that the Secretary-General has succeeded in giving a meaningful answer to our call for a report that will enable the United Nations to respond effectively and in an integrated manner to the requests of Member States for assistance in the field of democratization.

The Secretary-General's report is not only an excellent record of the collective efforts of the many new and restored democracies to strengthen their democratic Governments, but is a testimony to the fact that democratization is an issue that touches on all aspects of governance and nation-building and that democracy is not an abstract or ambiguous concept, but a practical reality and an essential component of a just and fair national leadership.

This year the Philippines celebrated the centennial of its first taste of democracy as a nation State. In 1898, the Philippines fought for and won its independence and established a democratic Government. But external and internal forces that were far from democratic ensured that our first experience as a democratic State would be a difficult one.

A dozen years ago, in 1986, we, as a nation and as a people, in a single and unified voice, through the peaceful struggle of our "people power" revolution, established the democracy we enjoy today. In 1988, two years after we had established democracy in the Philippines, we organized, with a handful of other States, the first meeting of new or restored democracies. That first meeting not only served as a venue for expressing our high hopes and expectations for the spread of democracy throughout the world, but also helped strengthen and reinforce our own fragile and hard-won democracy.

Also during this year of the centennial of Philippine independence, the Filipino people reinforced their commitment to democracy by selecting national leaders through popular elections. Reinforcing our democratic ideals at this time is made even more significant because of the fact that today, we in our region continue to recover from economic problems of crisis proportions. History has shown that crisis can sometimes give rise to a strong temptation to compromise democratic principles. We will not give in to this apparent dictate of history.

With each day that passes, the international consensus that democratization is the way to the future increases just as our numbers in the movement of new or restored democracies have continued to expand. The dreams and aspirations of our first conference have been turning into reality. Our numbers continue to swell just as our collective commitment to democracy continues to grow.

The involvement of other national and international players has also been growing. The process of democratization should involve a partnership between Government, the private sector and civil society. The participation of all these sectors has been growing, and we look forward to even more vigorous exchanges and interactions between and among these partners when we meet once again — this time in Africa, in Cotonou, Benin — for our Fourth Conference, in the year 2000. We also wish to express our appreciation to the Government of Romania for hosting the Third Conference, as well as to the Permanent Mission of Romania in New York for the excellent work it has accomplished and is continuing to accomplish in this regard.

It has been said in many ways and in various languages by various peoples that eternal vigilance is the price of freedom and liberty. We should not take our democratic gains for granted. The draft resolution which is before us today, introduced by Romania, and the report of the Secretary-General are not only direct results of our call

for an enhanced and meaningful relationship between the new or restored democracies and the United Nations, but also represent our collective political commitment to promoting the ideals of our movement and the basic tenets of democracy.

We must therefore continue to work as individual nations and as an Organization to strengthen our democratic gains. We must continue our dialogue and deal with specific issues and problems that relate to good and democratic governance.

In this regard, on behalf of the Government of the Republic of the Philippines, I am privileged to announce that the Philippines, in cooperation with United Nations agencies and other international organizations dedicated to the ideals of good government, will host next year the World Conference on Governance. The Conference, to be held in Manila from 31 May to 4 June 1999, will bring together a good balance of people of influence from public service, academe, the business sector, non-governmental organizations, international agencies and organizations and civil society from all over the world to address specific issues relating to government and governance.

I would like to take this opportunity to invite members to send representatives to this World Conference on Governance. We believe that this Conference will contribute to making the Fourth Conference of New or Restored Democracies in Benin even more meaningful and bring us closer to bringing to fruition the proposal to hold a summit of new or restored democracies at the start of the new millennium.

Mr. Yel'chenko (Ukraine): The process of democratization is one of the most important factors determining the political life of the international community, especially in the last two decades, since democracy is recognized as a normative goal for the entire world.

In view of globalization, which is another main feature of the present times, the achievement of that goal seems to be much more possible as the world democratization experience can be broadly used by new and restored democracies facing similar specific problems in order to better address common transition difficulties.

The role of the United Nations in assisting these countries to consolidate their efforts in the field of democratization should not be underestimated. Therefore,

my delegation welcomes with satisfaction the Secretary-General's report, contained in document A/53/554, which outlines the series of activities undertaken by the United Nations system in the field of democratization and governance.

For its part, Ukraine always stands ready to cooperate with other countries, the appropriate United Nations bodies and specialized agencies in implementation of the recommendations of the Third International Conference of New or Restored Democracies on Democracy and Development, held in Bucharest in September 1997.

A recent example of such fruitful cooperation between my country and the United Nations Development Programme (UNDP), noted in the Secretary-General's report, was the regional conference on the theme "Human rights for human development" held in the city of Yalta, Ukraine, in September this year. This international event was organized as a joint effort by the Government of Ukraine and the UNDP Regional Bureau for Europe and the Commonwealth of Independent States, and it brought together delegations from nearly 30 countries of Central and Eastern Europe, the Caucasus and Central Asia. The importance of the Yalta conference lies in the recommendations formulated on the protection of human rights, and in particular on institutional development and exchange of experience in the field of human rights, as well as its contribution to establishing the priorities for action at the national level.

My country considers that the ultimate objective of the process of democratization should be achieving political, economic and social stability and order based on the universal principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international documents.

Having embarked on the road of democratic transformation over seven years ago, Ukraine has demonstrated clearly its steady aspiration to become a State in which every person's potential is realized to the fullest and where every individual can see his or her own place in the processes of building the Ukrainian State. The parliamentary elections in my country last spring confirmed that the majority of Ukrainian people continue to support the course to a democratic, socially oriented and law-governed State.

The basic principles of the new Constitution of Ukraine, adopted two years ago, were designed to further promote and protect democracy and make market economy

transformations irreversible. The important steps in the direction of the further democratization of society were the setting up of two significant national instruments. The Parliamentary Human Rights Plenipotentiary, or Ombudsman, was recently appointed to provide parliamentary control over the implementation of human rights and freedoms in the country; and the independent Constitutional Court was established to guarantee the constitutional observance of human rights in Ukraine.

Ukraine's membership in the Council of Europe and its accession to the European Convention on Human Rights are further vivid testimony of its movement towards democratization in all spheres of social life. The ongoing reform of the Ukrainian legal system to bring it into compliance with the existing international standards, including, *inter alia*, those of the Council of Europe, is in keeping with the spirit of the Bucharest Conference.

My delegation believes that the follow-up mechanism set up by the Bucharest Conference should help the interested countries in collecting and exchanging experience and best practices to promote the democratization process. We consider this mechanism to be a very important international tool for the implementation of the Bucharest Conference's recommendations, to which Ukraine is committed.

In this respect, we welcomed the convening of the Ministerial Meeting of States participants in the Third International Conference of New or Restored Democracies, which was held in New York on 22 September this year within the framework of the current General Assembly session. We think that that was a good opportunity to examine and discuss the progress achieved in the field of democratization and a practical contribution to the follow-up process. It was also an opportune occasion to acknowledge the instrumental role of the Government of Romania in this endeavour.

In conclusion, I would like to express my delegation's satisfaction that a Fourth International Conference of New or Restored Democracies will be convened in the year 2000 on the African continent. We appreciate the gracious offer of the Government of Benin to host that forum. We are prepared to work actively in the preparatory process in order to ensure its success.

Mr. Squadron (United States of America): The national interests of every nation are best served by the growth of democracy globally. Democracy favours and fosters the rule of law, respect for human rights, political

and social stability and economic growth. But democratization requires a long struggle and constant dedication to the goal. We commend the Romanian initiatives of introducing the draft resolution under consideration today and of hosting the Third International Conference of New or Restored Democracies last year. As Secretary of State Albright noted in a speech before the Organization of African Unity, democracy is always and everywhere a work in progress.

Any democracy-promotion policy must place a great emphasis on multi-party elections. Countries emerging from conflict or repressive pasts typically face urgent development tasks in all sectors: social, economic and political. While social and economic development occurs through a long-term process, development in the political sector must be more immediate. Elections are the necessary early milestones of political development, the chief means by which the electorate can express its will. The United States supports United Nations electoral assistance projects around the world. The speed with which the Electoral Assistance Division has responded to needs in Nigeria most recently is admirable.

After citizens in newly democratic States participate in elections, they too often have the impression that democratic development stalls or ends. No one should expect that elections are an instant fix for post-conflict societies or fragile democracies, however essential an element of democratization elections are. On occasion, free and fair elections do produce illiberal regimes opposed to the continuation of the very system that brought them to power. Genuine democracy is not proved by a single election, but requires a number of factors, including a succession of free and fair elections, the existence of a civil society, an informed citizenry, an independent judiciary, a free press, a loyal opposition, respect for human rights and the rule of law.

These last two principles — respect for human rights and the rule of law — are always interrelated and should always be a major goal of any policy supporting democracy. A strengthened rule of law is essential to safeguarding basic freedoms, protecting ethnic and religious minorities, promoting Government accountability and providing social stability and the legal framework necessary for economic development.

Finally, we must always vigilantly reject the discredited thesis that for the citizens of certain nations, democracy and human rights exist only in a distant future or do not suit their culture. All the citizens of the world

deserve to have their lives governed by these immutable principles of respect for human rights and the rule of law and democracy in practice.

Mr. Fulci (Italy): Italy fully subscribes to the statement made by the Permanent Representative of Austria on behalf of the European Union on this item. However, I would like to make some additional comments on a few issues to which we attach special importance.

The consolidation of the new and, by definition, fragile democratic systems is one of the greatest, most important challenges of our time. The developments of the last few years demonstrate beyond any doubt that democratic Governments based on the participation of all citizens in political life are not only the system that best responds to the natural aspirations of all men and women to freedom, but also the most efficient and rational form of Government.

It is therefore crucial that the United Nations assist Member States in this process by helping them develop more equitable and effective government of their people and strengthen their civil society. Indeed, the United Nations is increasingly asked to initiate programmes and activities that promote democratic culture in helping negotiate and implement the settlement of conflict and subsequent efforts to assist a country in rebuilding its institutions and consolidating peace.

This is by no means a simple process. We have many, many examples that demonstrate that the road towards building a strong and effective democratic system is full of twists and turns and, I would add, is at times full of danger. Societies that emerge from prolonged periods of authoritarian rule are inevitably characterized by structural weaknesses. Such weaknesses can best be overcome through the assistance of the international community. At the United Nations, thanks to the pioneering efforts of a number of countries, a process has been set in motion to provide assistance to the new democracies in a systematic way. The Secretary-General's report rightly focuses on certain issues which are crucial to the efforts to strengthen democracy. Among them, allow me to stress the following.

First, there is electoral assistance. Gradually, but steadily, the United Nations is developing an improved system of electoral assistance and monitoring. This is a very complex issue since elections are a critical time in the building of any democratic system. The procedure

through which assistance is provided should be carefully defined so as to avoid even the shadow of a doubt of inappropriate interference. The United Nations system should consider ways and means to further improve this crucial element of its strategy to support the efforts of Governments to promote democracy.

Secondly, we have free and independent media and their role. Needless to say, freedom and pluralism are prerequisites of democracy, and the development of a free and responsible press is essential to effective democratization. Only last week the Third United Nations World Television Forum was held here at Headquarters with a growing participation of media professionals from Europe, America, Japan and the third world. We are glad to see that the initiative taken by Italy three years ago in this field is producing concrete and beneficial results.

I turn next to the mobilization of civil society. The self-organization of the various sectors of society is essential to strengthening the roots of a democratic system. In this regard too the United Nations can play a very constructive role, as demonstrated by the information provided in the Secretary-General's report. Non-governmental organizations can be a powerful instrument to facilitate the democratic growth of a society. I wish to take this opportunity to say that we should all devote more attention to the contribution that non-governmental organizations can make to the United Nations system as a whole. We should devise ways and means to improve their interaction with the Organization.

One essential component of a viable democratic system is the mature political culture of its citizens. This can only be achieved through education. The teaching of democratic values to children is the first essential step in that direction. The work already done by the United Nations system to further the rights of the child is indeed remarkable. As a member of the Committee on the Rights of the Child, I have personally witnessed this. Only if the rights of the child are promoted and respected can children — our future; the future of our world — grow to become responsible citizens, willing and able to participate in the democratic life of the country.

These are just a few thoughts on one of the most important issues facing the United Nations. Italy fully supports, and has joined in sponsoring, the draft resolution introduced by Her Excellency Ms. Elena Zamfirescu, Secretary of State of Romania, to give new momentum to this issue. We will be working in close cooperation with our Romanian friends, with the other sponsors of the draft

resolution, with our partners in the European Union in particular and with all other Member States to improve the capacity of the United Nations system to support the efforts of Governments to promote, consolidate and strengthen new and restored democracies.

Mr. Botnaru (Republic of Moldova) (*interpretation from French*): The changes that have taken place in recent years on the international scene have given fresh impetus to the world-wide process of democratization, although that process is far from complete. My delegation agrees with the ideas stated by the representative of Austria on behalf of the European Union and associated countries. Moreover, the Republic of Moldova, which since it proclaimed independence seven years ago has been committed to the democratization of society and to building a State based on the rule of law, greatly appreciates the advisory services and technical and financial assistance provided by the European Union, the Council of Europe and the United Nations for programmes in the areas of democracy, the rule of law and the protection of human rights. My Government is making sustained efforts to implement the Vienna Programme of Action, adopted by the World Conference on Human Rights, at which I had the honour of leading the delegation of the Republic of Moldova.

Since its independence, my country has made progress towards the democratization of social and political life. All elections have taken place periodically and have been free and fair, including this year's multi-party parliamentary elections. Likewise, the new Constitution of the Republic of Moldova guarantees a State based on the rule of law, democratic principles and human rights and fundamental freedoms. Our legislation also protects the right of national minorities to free expression and to the free development of their ethnic, cultural and religious identity.

But the process of democratization in the Republic of Moldova has been affected by the activities in the eastern part of the country of a separatist regime which continues to violate the civil, political, economic, social and cultural rights of Moldovan citizens. My Government's efforts peacefully to resolve the situation in that area have met with the intransigence of the anti-constitutional authorities of that secessionist region. Yet we do not agree that the process of democratization could have fostered the rise of aggressive separatism in the eastern part of the Republic of Moldova, with its harmful consequences for democratic reform and overall national security.

We continue to believe in the curative powers of democracy. Further, we believe that the stationing of foreign military units on the territory of a country without its consent seriously hinders both the process of democratization of the State on which the troops are stationed and that of the State to which those troops belong. In our view, the unconditional, total withdrawal of foreign troops from the territory of the Republic of Moldova would have an inestimable impact on the advancement of democratization throughout the country.

In spite of all the difficulties and the negative effects of the economic and financial crisis, the Government of the Republic of Moldova is determined to continue the process of democratic reform and the transition to a market economy. Democracy as a system of government is inconceivable without sustainable development, and the United Nations has an important role to play to that end.

The focus of the follow-up process to the Third International Conference of New or Restored Democracies was the theme of democracy and development, first at Bucharest and then at New York. The delegation of the Republic of Moldova welcomes the report of the Secretary-General. We encourage support by the United Nations system for Government efforts to promote and consolidate new or restored democracies, through innovative methods emphasizing ways in which the United Nations can respond effectively and in an integrated manner to the requests of Member States for assistance in the areas of good governance and democratization. We welcome the decision of the Government of Benin to host the fourth International Conference of New or Restored Democracies.

My delegation reaffirms its support for draft resolution A/53/L.38, which was introduced by the delegation of Romania on behalf of the sponsors. We hope it will be adopted by consensus.

Mr. Semakula Kiwanduka (Uganda), Vice-President, took the Chair.

Mr. Dlamini (Swaziland): The Kingdom of Swaziland welcomes the Secretary-General's report in document A/53/554 on the agenda item we are discussing today. My delegation also notes with satisfaction that since the last report was presented, at the Assembly's fifty-second session, the United Nations has taken a considerable step to identify and implement ways and means to enable the Organization to respond effectively to requests from Member States for assistance in the field of democratization through a follow-up mechanism to

implement recommendations of the Third International Conference of the New or Restored Democracies on Democracy and Development, held at Bucharest in 1997. In fulfilment of this initiative, we are pleased to note that the United Nations Development Programme (UNDP) has created websites on democratization and governance. We consider this a significant development through which Member States will be able to access and share information on each other's experiences.

An ideal and sound democratic dispensation ensures respect for the dignity of mankind, and there cannot be democracy if human dignity is not respected. In this regard, the Office of the High Commissioner for Human Rights and the Human Rights Committee monitor the implementation of the International Covenant on Civil and Political Rights.

We further note with satisfaction that the Secretary-General's report takes cognizance of the fact that promotion of public participation and a well-informed public opinion are essential in the process of consolidation of democracy and the maintenance of democratic values. The report further emphasizes that without the participation in and active contribution of citizens to social life, true democracy cannot grow and prosper. In our view, a democratic dispensation built upon this framework holds the key to good governance and sustainable development.

It was with this idea in mind that His Majesty's Government informed the General Assembly two years ago of the establishment of a Constitutional Review Commission charged with the task of reviewing the country's Constitution. The whole Swazi nation is engaged in this vitally important exercise, and substantial progress has been made over the past 24 months. In our view, the end result will truly reflect the will of the people themselves, and we are confident that we will have in place a constitution that will serve the best interests of all Swazis for many generations to come.

Further to our efforts to enhance the rule of law and governance, with the assistance of UNDP we are currently conducting an exercise on the codification of Swazi law and custom. As a nation that deeply believes in cultural values, we believe that the success of any country's political and economic system hinges on the appropriateness of its cultural orientation. Through this exercise a concrete and factual analysis of our customs will be made with a view to sensitizing our people to the

country's laws and customs that govern aspects of our life.

In September this year, we celebrated the thirtieth anniversary of regaining our independence. In all these years almighty God has blessed the nation with peace and stability, which has enabled us to develop and prosper in almost all aspects of life according to the wishes and expectations of our people. And as we venture towards the new millennium, our overall aim is to raise the living standards of our people and to ensure that access to all the basic requirements of a decent human life are available to all.

Also this year, the Kingdom of Swaziland witnessed one of the goals of the Bucharest Conference, which the Conference declared to be a democratic right to be observed by all States. I am referring here to the direct participation of the people in voting for a new Government. Such a democratic variable and dispensation was realized when the country conducted the general elections this year, which were a great success.

In order to maintain the stability and prosperity that we have enjoyed over the years, we have embarked on a soul-searching exercise with a number of initiatives aimed at identifying priority areas for action through the involvement of our people themselves. Through such initiatives, we have identified a twin-track approach that encompasses the economic and social reform agenda to cover the short term, and a national development strategy to provide an action plan for the longer term. With these in place, we believe that effective management of our resources, accountability and the transparency of our public sector will be guaranteed.

The creation of an African Centre for Civil Society to serve as a focal point and information centre for activities related to popular participation is yet another major development. We trust that the Centre will truly live up to its expectations and will enable the Economic Commission for Africa to expand its assistance to improving government and civil society relations and promote civil society's role in democracy and good governance.

In conclusion, allow me to state on behalf of my delegation that we have been most grateful for the support we have received from the United Nations and from our partners towards the important nation-building processes we have embarked upon. We value highly the continued support and encouragement from many of our friends and partners. We also look forward to the summit of heads of State of Africa on democracy and governance, which will

take place in 1999 in Pretoria, South Africa. We are grateful to the United Nations Educational, Scientific and Cultural Organization for the project of this magnitude that it has initiated towards the promotion and understanding of democratic principles. Counting on the success of the conference held at Maputo, Mozambique in July this year on the challenges of democracy and governorship, we are positive that future projects on this subject will be initiated as part of the follow-up mechanism of the Bucharest Conference.

Allow me to reflect on a novel written by a renowned scholar. The story took place on a certain island in one of the developing continents. At a shipyard where most ships used to come for docking, the citizens of that island time and again used to dance and clap hands whenever foreign ships came for docking. One courageous woman approached some young boys and said, "My boys, why do you always dance when a foreign ship approaches your island?" Another question was: "If you find it necessary to dance for any ship docking, why do you not do your best to build your own ship so that you can dance for your own ship instead of foreign docking ships?"

In this context, I want to warn developing nations that democratization does not by any means mean that we should always import ideas from the developed nations. It is now time that we sit down to map out our own destiny and democratize in a manner that will reflect the homegrown democracies. The democracy that is said to be perfect today was piloted over 1000 years ago and is being imposed upon others now that the experiment was completed — especially upon us in the developing nations, including Africa. Anything that comes from the developing nations is put aside and labelled undemocratic. This is due to our own mistakes.

We always accept experiments from certain quarters of the world instead of mapping out our own destiny. For instance, when I was growing up, I read that civilization started in Africa — in our sister State, Egypt. That is true. But where are these books today? They have been removed and are kept elsewhere simply because they say that civilization started in Africa. They can no longer be found in the libraries. This is a way of discouraging us and of telling us that whatever we start as developing nations cannot be accepted elsewhere.

I therefore challenge my colleagues to represent Africa. The potential for democratization in Africa is very strong — all we need is time. The developed world

should come and learn from us. We have answers to our problems, but others need to be patient. They took over 1,000 years, so we need more than that. But we are indeed engaged in the quest to realize democracy.

Mr. Erdős (Hungary) (*interpretation from French*): My delegation agrees with the statement made on this agenda item by the representative of Austria on behalf of the European Union.

The democratization process continues, in spite of the inevitable difficulties, to make headway throughout the world. At this time of globalization, the United Nations must redouble its efforts so that good governance and the rule of law might truly become universal phenomena. However, though we take note of these activities towards democratization, we must acknowledge that problems continue to exist in our countries and elsewhere and that — as I had the opportunity to emphasize last year during the same debate — we are still witnessing oppression in certain parts of the world as well as attempts, be they open or more covert, to undermine democracy.

We welcome the report on new or restored democracies submitted by the Secretary-General, which advocates the continuation of United Nations activities for democratization and the implementation of projects and programmes in that area. This endeavour must be carried out taking into account the wide variety of conditions that prevail in various countries.

The very places chosen for the convening of international conferences on new or restored democracies — from Manila to Managua to Bucharest — attest to the diversity of the parameters to be considered in this regard. Indeed, underlying the global democratization process and above and beyond certain particular features are the universal values and ideals enshrined in the Charter of the United Nations. These are fundamental and necessary criteria which constitute the common heritage of all States Members of the United Nations and that all must strictly respect.

We note with satisfaction that machinery has been established to follow up on the outcome of the Third Conference, held in Bucharest. We welcome the major role played by Romania in the follow-up process, whose objective is the implementation of the recommendations of the Bucharest Conference and, of course, preparations for the forthcoming conference. In this connection we also, as other speakers have done, commend the decision of the Government of Benin to organize the Fourth International

Conference at Cotonou in the year 2000 — a welcome addition to the series of events aimed at promoting democracy throughout the world.

Hungary is part of the great family of nations that have established or restored their democratic system in the past decade. Recent experience has taught us that the transition to parliamentary democracy and a market economy is definitely not an easy task and cannot be achieved without obstacles and problems. Nevertheless — and let me emphasize this — the benefits and advantages we have reaped from this transition are worth the cost, and Euro-Atlantic integration is the proof of the solidity of our democratic system.

This year once again Hungary co-sponsored draft resolution A/53/L.38, introduced by the Secretary of State of Romania, because, as we said earlier, we are fully aware, now that the bipolar world is no more, of the importance and scope of the efforts to give democratic governance the attention it merits.

Besides the adoption of this draft by consensus, we would like to see the democratization process and popular participation in the management of public affairs further strengthened and hope that they ultimately will extend to all countries of the world.

Mr. Sychou (Belarus) (*interpretation from Russian*): For a number of years the Republic of Belarus has been a sponsor of draft resolutions submitted under this agenda item at sessions of the General Assembly, because of the special situation today of countries with transitional economies and the importance of support by the United Nations system for efforts of Governments to promote and consolidate new or restored democracies. We believe the problems of this group of countries are extremely important and in general should be taken into account because of their specific characteristics.

In the context of the debate on this item, we wish to reaffirm Belarus's commitment to the principles of the United Nations Charter, the Helsinki Final Act, the Charter of Paris for a New Europe, the Universal Declaration of Human Rights and other international instruments pertaining to the protection of political, civil, social and economic rights and freedoms. The Constitution of the Republic of Belarus and the laws on citizenship, national minorities, freedom of religion and asylum, among others, firmly enshrine the principles of separation of legislative, executive and judicial powers, the primacy of generally recognized norms of

international law, while ensuring that national legislation is in keeping with those norms, and respect and protection for basic rights and fundamental freedoms.

Belarus has ratified the Optional Protocol to the International Covenant on Civil and Political Rights and has recognized the competence of the Human Rights Committee, pursuant to article 41 of the Covenant. Belarus is represented in the Commission on Economic, Social and Cultural Rights. Citizens of Belarus have equal rights and opportunities to take part in the political and social life of the country regardless of their national or ethnic origins or religion. The Government has made possible the free development of the various religious faiths, which enjoy equal rights. Over the centuries, tolerance and respect for other peoples have been a traditional part of the national consciousness and character of Belarusians. Belarus regards the preservation of this unique religious and ethnic balance as its contribution to safeguarding stability in the entire region.

Belarus sees the significance of international cooperation among countries with new or restored democracies not only in the formation of theoretical international consensus regarding the role of democracy in today's society. We also need to establish the conditions for providing the appropriate generally acceptable machinery for the realization of this consensus in the activities of all States for establishing constructive dialogue and pooling the efforts of all countries, regardless of the model or orientation chosen for social development, including agreed approaches for ensuring democracy, the establishment of a market economy and the promotion of effective and mutually advantageous cooperation among States with varying levels of economic development.

The countries with new or restored democracies can and must play an important role in the establishment of a new global model for security in the world. In this regard, it is important to safeguard appropriate cooperation with the established democracies, which must recognize the complexity, variety and contradictions in the developmental processes of countries with new or restored democracies. In this connection, I wish to thank Benin for offering to host the Fourth International Conference.

Belarus, as in previous years, is a sponsor of the draft resolution on the item under consideration and intends to fully promote the fulfilment of its basic provisions. This is the specific purpose of our proposal to establish a centre for strategic studies for countries with new or restored democracies.

Mr. Mwamba Kapanga (Democratic Republic of the Congo) (*interpretation from French*): My delegation welcomes the report of the Secretary-General, contained in document A/53/554, on agenda item 33, entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies". We greatly appreciate this report, which gives a clear overview of the important stages in the process begun by the United Nations at the request of Member States in response to the needs of Governments wishing to further develop democracy in their respective States. It also offers prospects for helping promote, on the one hand, communication and understanding among new or restored democracies and, on the other, cooperation between new or restored democracies and traditional democracies, to try to share and profit by the progress made by various countries on the path of democratization.

As emphasized in the report, it is true that new or restored democracies, particularly those that have experienced civil war, frequently face an uncertain future. To redress this situation, international assistance has set itself two major objectives: to prevent the recurrence of conflicts and to create the conditions necessary for lasting democratic processes. These objectives are so well aimed and so important that the international community must make even more of a special effort to lend positive assistance to new democracies and must try to reduce the political handicaps caused by the imposition of often subjective conditions or criteria drawn from a socio-economic milieu other than that of the democracies concerned for the restoration of those democracies.

Results do not come overnight, with the wave of a magic wand. They come progressively as a result of a long and slow process that nevertheless allows for realistic optimism about the objectives of such a process. This is a slow process in new democracies because it must be the result of combining and integrating a number of internal and external factors of our societies, which in some cases include the destruction of the fundamental political and legal structures of our pre-colonial societies by colonial societies and shameless post-colonial dictatorships. During the colonial era and during periods of dictatorship, the people were not involved in the management of public affairs. The process is also slow because of its modalities of establishment, based on old models of democracies, the result of more than 200 years of groping and of questioning democratic processes.

Traditional democracies have evolved, but they have not yet completed their task.

While slow, this process prompts optimism, as my delegation has stated, if the programmes devoted to promoting respect for fundamental liberties and rights of the people are included, with a view to accelerating them. My country has set up a State ministry to deal with human rights. One of its missions is to ensure respect for human rights and to spread a political culture based on respect for human rights. Another related mission is to transmit that culture throughout the population with a view to making the citizens, who have been subjected to dictates of their rulers since 1965, the primary holders of public power and the primary guarantors and beneficiaries of the good management of public affairs. This ministry, despite its brief existence and despite the war in the Democratic Republic of the Congo, has played a very important role in protecting the Banyamulenge in Kinshasa, Lubumbashi, Likasi and wherever they have felt endangered. International humanitarian organizations working in the Democratic Republic of the Congo can attest to this, as they have free access to the areas where those people are found.

My Government, concerned about restoring democracy in the country, has based its policy on the recommendations contained in the Universal Declaration of Human Rights, and it is convinced that by setting up appropriate structures to respond to the requirements of the Universal Declaration, it will guarantee the progress of a stable and lasting democracy for its people.

This approach inevitably presupposes the existence of the appropriate instruments to defend the fundamental rights and freedoms of their beneficiaries. It is within this framework that an electoral schedule has been established, a draft constitution has been prepared and submitted to civil society for its appraisal and a free and independent press expressing well-founded and justified opinions has been authorized. These are milestones indispensable to a democratic life and they require considerable financial means.

In this respect, the Government relying only on the means available to it, has spared no effort to restore sound financial management to the State, and it has not hesitated to punish members of the Government found guilty of financial malfeasance. Everything has been done to promote a speedy restoration of democratic values. Our work in this respect would have yielded palpable results if

not for the aggression of which my country is a victim at present.

My delegation is speaking under the agenda item entitled "Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies" — first of all, to support the work of the international community and, secondly, to demonstrate that my country, being involved in this very process, needs the assistance of the international community, since it was exactly a year and a half ago that we emerged from our war of liberation. My country has seen its impetus in this democratic process thwarted by the aggression perpetrated against it by its neighbours, Rwanda and Uganda, which invaded our territory.

Avoiding renewed conflict in new democracies is one of the aims pursued under the item before us, and this is a major contribution of the United Nations system's assistance to new democracies. What better help could my country expect from the United Nations system in promoting and consolidating democracy in the Democratic Republic of the Congo other than for it to use its authority to put an end to the conflict and the invasion of my country? The United Nations interventions in the Gulf and in the former Yugoslavia are obvious demonstrations of the international community's shouldering of its responsibilities in the settlement of disputes between Member States.

The invasion of one Member State by two other Member States has been clearly established, because the aggressors have admitted it. This is a violation of the principles defended by the United Nations. My country, as a Member State, not only bears obligations but also enjoys rights, and it asks that its request be honoured because its sovereignty and territorial integrity have been violated by two Member States. If this were done, an end would be put to this aggression, peace would be restored and the process of democratization would continue. The United Nations also would have shown strict compliance with the provisions of the Charter, and by guaranteeing the implementation of those provisions would be supporting the democratization efforts in my country.

In conclusion, my delegation would like to commend the Government of Benin for having agreed to organize the Fourth International Conference of New or Restored Democracies, and we offer our encouragement in that regard.

The Acting President: We have heard the last speaker in the debate on this item.

The Assembly will now proceed to take a decision on draft resolution A/53/L.38.

Before we take action on the draft resolution, I would like to announce that, since the introduction of the draft resolution, the following countries have become sponsors: Cameroon, Côte d'Ivoire, Haiti and India.

May I take it that the Assembly decides to adopt draft resolution A/53/L.38?

Draft resolution A/53/L.38 was adopted (resolution 53/31).

The Acting President: I shall now call on the representative of Cuba, who wishes to speak in explanation of position on the resolution just adopted.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Dausá Céspedes (Cuba) (*interpretation from Spanish*): My delegation joined in the consensus in adopting resolution 53/31. One element of utmost importance to us in studying and assessing this draft resolution was that it endorsed the right of peoples to choose their own economic, political or social system.

Cuba considers that it is solely up to States to have the central role in creating their institutions and domestic political systems, in accordance with their political traditions and national reality. In the same vein, we are of the opinion that States have the sovereign and discretionary power to forge their own political culture as part of the functions they carry out in domestic policy.

The Acting President: We have heard the only speaker in the explanation of vote.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 33?

It was so decided.

Agenda item 30

United Nations reform: measures and proposals

Reports of the Secretary-General (A/53/463, A/53/676)

Notes by the Secretary-General (A/52/849, A/52/850, A/52/851 and Corr.1 and Add.1)

I should like to inform members that, in a letter dated 30 September 1998 addressed to the President of the General Assembly, the Permanent Representative of Germany to the United Nations, in his capacity as Chairman of the Group of Western European and other States for the month of September, requests that the General Assembly hear in plenary meeting a statement by the observer of Switzerland on agenda item 30, "United Nations reform: measures and proposals". Taking into account the importance attached to the issue under discussion, it is proposed that the General Assembly take a decision on that request.

May I take it that there is no objection to the proposal to hear the observer of Switzerland on this item?

It was so decided.

Mr. Jele (South Africa): I have the honour to address the General Assembly on behalf of the member States of the Joint Coordinating Committee (JCC) of the Non-Aligned Movement and the Group of 77 and China on agenda item 30, "United Nations reform: measures and proposals".

I would like to express our appreciation to the Secretary-General for his efforts and to the members of the Secretariat for preparing the reports regarding particular issues of United Nations reform.

The Joint Coordinating Committee attaches great importance to the consideration of this item. Indeed, the heads of State or Government of the Movement of the Non-Aligned Countries, during their Summit in Durban, as well as the Ministers of Foreign Affairs of the Group of 77 and China, during their meeting in New York in September 1998, recognized the importance of reinforcing the United Nations for the challenges of the new millennium. They stressed the need to keep under close intergovernmental oversight and review the implementation of the decision adopted by the General Assembly in its resolutions 52/12 A and 52/12 B, as well as a continuous assessment of their implications. While implementing those decisions, they also stressed the need to take into account the views expressed by Member States during the process of their consideration, including

those subjects and aspects on which the overwhelming majority coincided in formulating precise and clear guidance.

Against this background, the members of the Joint Coordinating Committee continue to believe that consideration of the item before us should take place through an intergovernmental process. Furthermore, the proposals of the Secretary-General requiring further consideration by the General Assembly should be discussed through an open and transparent procedure which allows all delegations to participate effectively in negotiation and not be subject to any imposed time-frame. To that end, and in view of the importance we all attach to the issues of reform, we are of the view that, in considering issues under the item, we should avoid any conflict of schedule with other meetings in order that we may engage in a focused and substantive deliberation, while ensuring proper illustration and negotiation.

The members of the Joint Coordinating Committee strongly believe that the recommendations contained in document A/53/463 on environment and human settlements, as well as other proposals under this agenda item, must be discussed in this manner in the mechanisms to be decided by the General Assembly. This would provide the required opportunity for all Member States to contribute to the crucial and important task of strengthening the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat).

In conclusion, allow us to reiterate the commitment of the JCC member delegations to participating vigorously and in a constructive manner in the deliberations on issues of United Nations reform.

Mr. Macartney (Canada): On the eve of the new millennium, the United Nations is facing difficult and increasingly complex challenges. Canada appreciates the continuing efforts of the Secretary-General to improve the capacity of the United Nations to meet those challenges by ensuring greater coherence and effectiveness in its work.

I would like to concentrate my remarks today on the recommendations of the Secretary-General, contained in his report on the revitalization and strengthening of the work of the United Nations in the environment and human settlements field.

The increasing fragmentation and growing complexity of the international environmental agenda represent one of

the most urgent challenges the United Nations has to face. In this context, Canada wishes to express its support for the recommendations of the Secretary-General. These recommendations are pragmatic and constructive. They represent an important step forward in operationalizing the Nairobi Declaration. They provide a valuable road-map for implementing the excellent proposals of the United Nations Task Force on Environment and Human Settlements that was chaired by the Executive Director of the United Nations Environment Programme (UNEP), Mr. Klaus Toepfer.

In his report, the Secretary-General provides a series of recommendations for action at the Secretariat level. Canada agrees with these recommendations and we support their prompt implementation. Canada also agrees with the recommendations of the Secretary-General for action by intergovernmental bodies and we urge the General Assembly to endorse them.

I would like to comment on some specific recommendations that Canada considers particularly important. One of those is the establishment of an inter-agency environmental management group. There is an obvious need for better coordination of the work of the United Nations in the environment field. We believe that the proposed group, under the chairmanship of the Executive Director of UNEP, will make a positive contribution in this regard. We urge the Secretary-General to proceed quickly to establishing such a group.

The recommendations concerning the strengthening of linkages between environmental conventions and linkages between their secretariats with a view to achieving synergies, encouraging increased operational efficiencies and promoting better coherence of policies and actions are also very important. With respect to these conventions, we agree that UNEP has indeed a substantive supportive role to play, based on its capacities for information, monitoring and assessment. Canada considers that efforts to improve operational efficiencies should be focused on increased cooperation and stronger linkages between secretariats, rather than through collocation.

The recommendation for an annual ministerial-level global environmental forum is also of key importance. Such a forum does not currently exist, and it is strongly needed. It is appropriate that that forum be convened biennially as part of the regular session of UNEP's Governing Council in Nairobi, and that in alternate years

it take the form of a special session of the Governing Council alternating between regions.

In this context, we support the proposal for universal membership in UNEP's Governing Council, as all countries have duties and responsibilities relating to UNEP and the environment. Canada also agrees that a strengthened participation of civil society is needed in UNEP, since Governments alone cannot solve the environmental challenges confronting the global community. The example set by the United Nations Commission on Sustainable Development should be followed and further developed.

To facilitate this participation, we support the recommendation that future sessions of UNEP's Governing Council be preceded by, or overlap with, substantial meetings of major groups, with an opportunity for round-table meetings with ministers. With reference to the next regular session of the Council, we support the Executive Director's undertaking of wide-ranging consultations with Governments, non-governmental organizations and the private sector, culminating in a two-day environment forum to be held just before and in conjunction with the session of the Council.

Canada also agrees that the work of UNEP and Habitat should be more integrated in administrative terms and take advantage of synergies at the programme level. We welcome the actions that have already been taken by Mr. Toepfer in this regard, and we encourage him to continue his efforts. Canada also agrees that UNEP, Habitat and the United Nations Office at Nairobi should continue to be directed by one senior official in the future.

As pointed out recently by Executive Director Toepfer, "the time has come to recognize the environmental dimension of individual and collective security". In this regard, the recommendations of the Secretary-General represent a constructive contribution to a strengthened role of the United Nations in the environment and human settlement field. We encourage all Member States to lend their support to their prompt implementation.

Mr. Šimonović (Croatia): The ongoing process of the reform of the United Nations is vital to the future of the Organization. The pressure for reform comes from all participants in the United Nations system, but also, and perhaps most significantly, from the changing nature of our world and the challenges that confront it. Due to the various roles and players in the United Nations community,

the process of reform has to be undertaken on two tracks: those matters which the Secretary General is empowered to deal with and those which need the approval of Member States. As we move further in the overall process, the issues relating to reform which Member States must approve shall start to occupy our agenda. The Croatian delegation is of the view that Member States should show flexibility and openness in dealing expeditiously with these issues, since they are clearly to the mutual benefit of all.

It is in this spirit that my delegation has approached the report of the Secretary-General on environment and human settlements and its annex, the report of the United Nations Task Force on Environment and Human Settlements. My delegation wishes to compliment Mr. Klaus Toepfer and the other members of the Task Force for a very good, concise report which provides clear reasoning and recommendations.

The overall significance of the roles of United Nations Environment Programme (UNEP) and Habitat as the central institutions in their fields within the United Nations system has been generally stated many times, usually in terms of their potential coordinating role. The important panel discussion held in the Second Committee last month relating to coordination and coherence among the major environmental conventions is an example. The strengths of the Task Force's report are its focus upon the identified need for a holistic approach to issues which come under the common heading of sustainable development, and its infusion of suggested practical steps to bring us closer to achieving this, at least within the realm of the two relevant United Nations bodies. In this regard, the proposed greater role of non-governmental organizations is more than welcome.

Turning now to the content of the report, my delegation believes that it faithfully follows the path set down in the Secretary General's seminal report (A/51/950), which sets out the fundamentals of his vision of the reform process. It is also true to the terms of reference of the Task Force. Throughout the 24 concrete recommendations, we note the cross-cutting theme of coordination and coherence. In this regard, my delegation attaches particular importance to those recommendations relating to linkages between the agencies and between the environmental and environment-related conventions. Additionally, the suggested inter-agency environment management group is a timely proposal.

In the view of my delegation, a more integrated approach to United Nations activities in the areas of environment and human settlements should be directed not only towards cost saving, but also more towards greater efficiency and effectiveness in achieving the ends for which the two institutions were established. In this regard, we believe that the general orientation of the work of the Task Force towards finding the best ways to make use of existing structures was an important component. At the same time however, the overall reform process should take into account the fact that the rapid expansion of international environment law will need to be taken into consideration on the issue of future policy coherence and coordination. This will mean building into new environmental treaties and their implementing mechanisms structures that will ensure that they fit neatly into the overall picture, something which has not been sufficiently accounted for in the past. Clearly, international environmental law will continue to encroach more and more upon all segments of society. It is therefore the responsibility of the United Nations to reflect this reality in the process of reform. Perhaps this could be a matter for the proposed annual environment forum.

Just as the catch-all theme for reform in the area of environment and human settlements seems to be coordination and coherence, in the area of time limits on new initiatives it should be accountability and effectiveness. My delegation is of the view that, among other important considerations, the efficiency of the United Nations should be judged by the quality of the output produced by the Organization. Effectiveness should be measured by an evaluation of the results achieved, taking into account the quantity of the resources allocated to the task. In such an equation, an important factor should be the time taken and the value added by treatment of the issue by the United Nations. In coming to this judgement a particular focus should be had upon the inputs of Member States, the Secretariat and other United Nations bodies. The question of sunset provisions should therefore be viewed in the context of the balance between the value that the United Nations process is adding to the treatment of an issue as against the implications for the Organization's budget.

The symbolism that will mark the year 2000 will have added importance for the United Nations. However, we should be careful not to mark the occasion with purely ceremonial events and words that are unsupported by actions. The imminent arrival of the new millennium should be used as a concrete opportunity to take a step back and look at the major issues confronting the Organization and its place in contemporary and future

international relations. This should also mean taking stock of the issues before the Organization and making an objective assessment of the effectiveness with which it addresses them. These aspects should be a component part of the proposed Millennium Assembly, since they are matters which are otherwise difficult to deal with in the regular United Nations calendar, and because of the increasing obligations of Member states. In addition, the symbolism of the end of the millennium should serve as a natural deadline for the implementation of as many aspects of reform as can be achieved.

The proposed Millennium Summit should therefore have a concrete special agenda of issues with which to deal. In this regard my delegation looks forward to participating in the preparatory work on the Secretary General's report on the Millennium Assembly's theme "The United Nations in the twenty-first century", which will set the guidelines for the work of the Assembly.

I shall conclude by indicating that my delegation was looking forward to reviewing and commenting upon the report status of implementation of actions described in the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" (A/51/950), since it is a major topic for discussion under this agenda item. We had hoped that, given the importance of this item, the report would have been made available well in advance of the discussion. Accordingly, we reserve the opportunity to comment upon it in detail on a later occasion.

Mr. Srivastava (India): At the outset, we would like to fully associate ourselves with the statement delivered earlier on behalf of the States members of the Joint Coordinating Committee of the Non-Aligned Movement and the Group of 77 and China. We actively and constructively participated in the discussions on this agenda item during the last session of the General Assembly and would like to believe that the changes approved will result in real gains in the efficiency and effectiveness of the United Nations and make it more responsive to the aspirations and hopes of the vast majority of its Members, namely, the developing countries. We therefore congratulate the Secretary-General on his continuing efforts to reform the United Nations, to better equip it to meet the challenges of the next millennium and to have an impact that can be felt on the lives of the citizens of the Governments represented here.

It is of paramount importance that discussions on this agenda item be undertaken in an open-ended, transparent, intergovernmental process, enabling each and every delegation to effectively participate in the decisions that will significantly influence the future course of our Organization. This could be ensured through, *inter alia*, consideration of these items by open-ended ad hoc working groups. Separate working groups may be required for consideration of the proposals relating to the United Nations Environment Programme (UNEP) and human settlements and for preparations towards the successful organization of the Millennium Assembly and Summit. It will need to be ensured that the meetings of these working groups do not overlap. At the same time, their meetings should not be in conflict with the schedule of other important meetings, in order to allow all delegations, especially smaller ones, the opportunity of full and effective participation. Other mechanisms for consideration of these items which meet the criteria mentioned could also be explored.

My delegation has carefully studied the report of the Secretary-General contained in document A/53/463. We have noted that some of the proposals contained in the report of the Secretary-General modify considerably the report of the high-level Task Force. Furthermore, some of the proposals of the Secretary-General, including the recommendations for action at the Secretariat level, require further deliberation before they can be implemented. This will make it necessary for us to undertake a thorough exercise of intergovernmental deliberation on this report. While undertaking those consultations, as underlined in the statement of the Joint Coordinating Committee, no artificial time limits should be imposed. Only thus can we ensure that the decisions finally adopted on the revitalization and strengthening of UNEP and the United Nations Centre for Human Settlements meet with widespread consensus.

My delegation has stated before that as we inexorably move towards the new millennium, we must work towards ensuring the success of the Millennium Assembly and the Summit. In our view, the Millennium Assembly must be well prepared and should identify effective goals for the Organization in the coming millennium while providing the means to achieve them. An obvious goal would be increasing the role of the United Nations in development, including through the promotion of South-South cooperation.

Another issue of concern to the international community that must be dealt with in the context of the Millennium Assembly and the Summit is that of weapons

of mass destruction. By the twenty-first century, both the Biological Weapons Convention and the Chemical Weapons Convention will hopefully have received universal or near-universal ratification. Those weapons of mass destruction have been outlawed, but very little progress has been made on the remaining type of weapons of mass destruction — nuclear weapons. The adoption of a nuclear weapons convention by the Millennium Assembly would be the crowning glory of the United Nations in the next millennium. We hope that the international community will rise to this challenge.

In conclusion, allow me to reiterate the commitment of my delegation to work in a constructive spirit with all delegations to ensure that the reform and restructuring of the United Nations are not restricted to bureaucratic structures but result in a forward-looking Organization that is responsive to and capable of meeting the needs and aspirations of the developing countries. In this spirit, we will be ready to participate in negotiations on these questions in the mechanisms to be decided in plenary meeting.

Mr. Koech (Kenya): During the fifty-first session, the Secretary-General informed the General Assembly that he would, in consultation with Governments and the heads of the United Nations Environment Programme (UNEP) and of the United Nations Centre for Human Settlements (Habitat), develop new measures for strengthening and restructuring those two organizations based on General Assembly resolutions 2997 (XXVII) and 32/162.

We welcome the report of the Secretary-General on environment and human settlements. We see it as a good basis for a more integrated approach in the strengthening and restructuring of UNEP and Habitat. The Secretary-General's report is an appropriate starting point for the process, which will take into account the resolutions and decisions of the Governing Council of UNEP and the Commission on Human Settlements. Our deliberations on this item gives us an opportunity to make contributions to this process.

My delegation associates itself fully with the statement made by the representative of South Africa on behalf of the Non-Aligned Movement and the Group of 77 and China, which stresses, among other things, the need for open and transparent procedures. However, we would like to highlight some aspects of the report and put emphasis on those areas that are of concern to my delegation.

My delegation supports the recommendation that there is need for the strengthening of the linkage and coordination among the secretariats of environmental conventions and the capability of UNEP in supporting these secretariats. As the global environmental authority, UNEP should play the leading role in the coordination of these secretariats. Furthermore, there is a need for the secretariats of some future conventions to be co-located at UNEP headquarters. It is our hope that the final recommendations will address the needs and aspirations of national Governments.

We also welcome the establishment of the environmental management group, whose goal is to achieve effective coordination and joint action in key areas of environmental and human settlements concerns with a view to minimizing duplication and overlap. The environmental management group should constantly seek the views of Member States and should be guided by the decisions of the UNEP Governing Council and the Commission on Human Settlements. In order to ensure better coordination and efficiency, the secretariat of the environmental management group should be located at UNEP headquarters.

The General Assembly will recall that, during the Secretary-General's visit to Kenya this year, he upgraded Nairobi, the only United Nations headquarters in the developing world, to the same status as those of Vienna and Geneva. However, the implementation of the Secretary-General's undertaking will require adequate corresponding finances and human resources. My delegation also looks forward to maximum utilization of existing United Nations facilities in Nairobi.

In conclusion, I wish to state that there is a need for continued separate senior management for UNEP and Habitat to facilitate the effective implementation of their programmes in accordance with their mandates. In this regard, we expect that the normal intergovernmental process will be adhered to in addressing this matter.

Mr. Konishi (Japan): I would like to take up the report of the Secretary-General on environment and human settlements in the first part of my statement. Then I will discuss the Millennium Assembly and sunset provisions in the second part of my statement.

Sustainable development is an area in which the United Nations, as an Organization with universal membership, is being asked to play an increasingly important role. My delegation welcomes this opportunity to

discuss how we can enhance the effectiveness of the activities of the United Nations system in the field of environment and human settlements as part of the overall effort of the Organization to reform itself.

Japan wishes to express its appreciation to the Secretary-General and to the Task Force on Environment and Human Settlements for their reports. It believes that there is an urgent need for improvement in the activities of United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat) and that the recommendations contained in the Task Force's report are generally on target. We would like to commend Mr. Toepfer and other members of the Task Force for their efforts.

As these reports contain wide-ranging recommendations, we should distinguish between those that we should consider and take action on in the General Assembly and those that should be more appropriately discussed in Nairobi, at UNEP or Habitat. Therefore, in this statement, I would like to offer Japan's views on those recommendations which should be addressed here in the General Assembly.

The Secretary-General has divided the recommendations contained in the Task Force's report into two categories: those on which action should be taken at the Secretariat level and those on which action should be taken by intergovernmental bodies. We believe that this division is a sound one. My delegation basically supports the recommendations in the former category. It does, however, wish to request clarification as to their financial implications and will ask for additional information when we discuss these recommendations in greater detail.

With regard to the second category, we believe there are three main issues that should be discussed in the General Assembly: first, the linkages among conventions relating to sustainable development; secondly, establishment of an annual ministerial environmental forum; and, thirdly, making the membership of the Governing Council of UNEP universal.

The first — the linkages among the conventions relating to sustainable development — is an important issue that must be addressed in all its aspects if we are to achieve coordinated implementation of those instruments. The recommendations on this issue in the Task Force's report are moderate and practical, and my country

supports the gradual and incremental approach they represent.

As regards the second — establishment of an annual ministerial environmental forum — considering that we convene the Governing Council of UNEP once every two years and special sessions of the Governing Council in the intervening years, the proposal does not mean the creation of an additional meeting and is therefore acceptable. However, the proposal to hold that forum outside Nairobi every two years, moving from region to region, would certainly impose an additional financial burden on the United Nations and is inconsistent with our agreement in resolution 48/174 to utilize the conference facilities and services in Nairobi to the maximum extent.

I would like now to turn to the third issue, universalization of the UNEP Governing Council. We are not quite sure what benefit would be derived from this proposal. It would also entail significant expenses for both Member States and the Secretariat. And we must be realistic and recognize that for all decision-making bodies, the larger the membership, the lower the level of efficiency.

My Government does not believe that the Governing Council in Nairobi felt strongly about making membership universal. For all these reasons, my delegation regards this proposal as unwarranted.

I would like now to touch upon the reform of Habitat. In its report, the Task Force concentrated on UNEP. However, the reform of Habitat lags far behind that of UNEP. One reason is the absence of a person in charge who can lead that body and who can also spend all his time on its revitalization. We therefore believe that it is important for the Secretary-General to appoint an officer who will direct the day-to-day operations of Habitat as soon as possible. On the other hand, UNEP, Habitat and the United Nations Office in Nairobi should continue to be headed by one person, as the Task Force has recommended.

Now I would like to turn to the second part of my statement and express the views of my Government on the issues of the Millennium Assembly and sunset provisions. My delegation supports the Secretary-General's proposal that the fifty-fifth session of the General Assembly should be designated a Millennium Assembly, and hopes that he will commence the preparations necessary to ensure its success. Permit me at this time to offer some basic comments on how that session should be organized.

First, my delegation strongly believes that the Millennium Assembly should be truly substantive, not merely a ceremonial observance. To ensure that it is an action-oriented session, we support the idea of including a high-level segment, the Millennium Summit, to stimulate and guide efforts to render the Organization capable of meeting the challenges of the new era. To better prepare for the Summit, it would be helpful if the Secretary-General submitted to Member States a substantive report on the United Nations in the twenty-first century that identified possible objectives that the Organization should strive to achieve.

Secondly, because Japan believes that we must continue to pursue reform throughout the entire United Nations system as a matter of the highest priority, our preparations for the Millennium Assembly should provide additional impetus to United Nations reform efforts in the political, economic and social and administrative areas.

Turning now to the Secretary-General's proposal of sunset provisions to set specific time limits for mandates, Japan has supported this idea, as it would help to define clear objectives and goals for the activities and structures of the United Nations. It is especially important that the Organization tackle the new challenges that are sure to arise in a rapidly changing world. The perpetuation of activities that have lost their relevance and urgency takes precious resources and energy away from those that are required to address newly emerging and more necessary needs. Without delay, therefore, the General Assembly should adopt a resolution establishing the principle of such a time limit and requesting an appropriate body to consider how such sunset provisions should be applied as one of the useful tools for United Nations programming.

As the Secretary-General said in his report entitled "Renewing the United Nations: a programme for reform" (A/51/950), reform is a continuing process, not a single event. And Japan is convinced of the importance of continuing the reform of the United Nations so that it will be more responsive to our needs as we move into the twenty-first century. Let me assure members that Japan intends to participate actively in the negotiations on the issues mentioned in this statement.

Ms. Fjellanger (Norway): Norway has on a number of occasions stressed the need for the renewal and strengthening of the United Nations so it can better meet future challenges and better assist developing countries. Last year at the fifty-second session we were encouraged when the General Assembly supported the reform

programme of the Secretary-General. To maintain the momentum of the reform process we must now focus on implementation of the reform decisions taken and must take the necessary additional steps.

On this occasion I am honoured to address the General Assembly on the need to strengthen the performance of the United Nations with respect to environment and human settlements. As a member of the Task Force on Environment and Human Settlements, I particularly look forward to an open and constructive debate on these important issues. Implementing measures to strengthen the Organization's performance in this field will have to be a step-by-step process. The issues are complex and interrelated; there needs to be broad agreement on the steps to be taken; and some of the necessary steps may have financial implications which will need to be considered. However, there is no time to lose in getting this process under way and in taking the first concrete steps.

Against this background, the Secretary-General's report on environment and human settlements (A/53/463) is an excellent starting point for further action. We encourage action to implement recommendations at the Secretariat level and look forward to the consideration of relevant recommendations in the governing bodies of the United Nations Environment Programme (UNEP) and the United Nations Centre for Human Settlements (Habitat). The General Assembly has in particular been invited to consider recommendations that involve the organization of intergovernmental cooperation and the possible coordination of work under the various relevant conventions.

The international community has demonstrated a strong commitment to sustainable development. During the 1990s we have gradually come to a shared understanding of the threats to the human and natural environment. We have negotiated common visions, and we have committed ourselves to implementation. The record is as impressive as it is vast. We have created conventions, protocols, plans of action and sets of recommendations in a number of areas. The time has now come to look at how all these different instruments and programmes can work together and to capitalize on possible synergies in an open and participatory manner. We are here today to set in motion a process of gradually bringing about improved policy coherence and more coordinated action in the fields of environment and human settlements.

It is important to stress that the recommendations proposed have been formulated with a view to avoiding the creation of new entities in the United Nations system, and to respect the mandates, legal status and regulations of all bodies involved in this field. As we review existing structures and arrangements, we must keep in mind the basic functions of the United Nations in the fields of environment and human settlements. At the normative level, the role of the United Nations is to facilitate dialogue and consensus-building at the political, expert and scientific levels and to assist in the development of international law, guidelines and standards.

The United Nations is also entrusted with the important task of following up and implementing the priorities that we as Member States have agreed upon. It is my firm belief that the implementation of the environment and human settlements agendas can be carried out in a forceful and optimal manner only if the normative processes are sufficiently coordinated. The United Nations needs to develop a visible and distinct profile on environmental matters. A more sustainable use of resources will increasingly be a precondition for long-term economic growth and social welfare.

The Secretary-General considers a series of practical measures to help strengthen and consolidate our efforts and achievements. I would especially like to highlight the following points.

First, on the issue of intergovernmental cooperation, we need to look into ways and means of promoting political engagement and accountability and of securing ministerial participation in the international processes of forming opinions and decision-making. I strongly favour the establishment of a global ministerial arena for the environment. We need a global authority and a high-profile meeting arena where ministers can gather to reach a common understanding as a platform for future action. In line with the overall aim of building upon existing structures rather than creating new entities, Norway agrees that such a gathering could be convened while the UNEP Governing Council meets. All participants should have a similar status and an equal say in the decision-making process. The Task Force recommended that these objectives of the ministerial arena could be achieved by making membership in the UNEP Governing Council universal. The meetings could be convened in different regions in alternate years.

Secondly, a special point is made of urging countries to coordinate their national input to different

intergovernmental processes. I believe that this is something that can be greatly facilitated if we take practical steps together to identify and act upon some of the interlinkages that exist between the various conventions. Conferences of the parties should have sufficient awareness of the existence of areas of common concern and overlapping processes. The Task Force proposed that this be accomplished by the introduction of practical and gradual steps to exchange information on a regular and voluntary basis. It was recognized that UNEP would need to upgrade its scientific and information capacity in support of the conventions when invited to assist in this process. UNEP must, in short, focus its role in line with the Nairobi Declaration.

There are significant additional costs and inefficiencies associated with the geographic dispersal of the convention secretariats, and it is recommended that Governments and the conferences of the parties of the various conventions consider these costs and seek to address the situation.

Norway finds the idea of thematic clusters encouraging. We further suggest that debates on the location of future secretariats give due consideration to this. In the long term, the possibility of negotiating umbrella conventions should also be given due consideration.

Thirdly, it is imperative that UNEP manage to draw the interest and attention of civil society to its cause. Scientists, media, the business community and non-governmental organizations are all key players in setting the political agenda. The Task Force proposed that the UNEP Governing Council become more like the Commission on Sustainable Development (CSD) with respect to interaction with non-governmental organizations and major groups.

As far as relations with the CSD are concerned, the Governing Council is to be convened early in the year so that it can provide input from the environment ministers to the Commission. Since the special session last year, the CSD work programme has become more strategic and integrated in its approach. The main future challenge for the CSD is to strengthen the two other pillars of sustainable development — social and economic development — and to promote the active involvement of environment ministers and other ministers at its sessions.

The report also contains recommendations to improve inter-agency coordination. The proposed environmental

management group is a testimony to the cross-sectoral nature of environment management, in that it would encompass all relevant actors and agencies. It is to be primarily an administrative group, although it might, within certain limits and time-frames, propose programmatic elements where relevant. The added value of the environment management group will lie in its ability to identify synergy effects between its members, and the viability of the group over time will lie in its ability to offer input and inspiration. While these issues belong to the category of recommendations to be decided at the Secretariat level, some issues, such as those related to the mandate, function and possible cost implications of the environmental management group should be clarified.

Although there are overlaps between environment and human settlement, it must be recognized that the latter also has a separate set of objectives. Habitat must remain a distinct entity within the larger United Nations family in Nairobi. We strongly support the revitalization of the Habitat Centre and believe that it will facilitate the implementation of the Habitat Agenda, adopted at Istanbul in 1996.

We have created a large body of environmental law and policies, and we cannot afford to let institutional and financial inefficiencies get in the way of their full realization and implementation. Norway is strongly committed to the Secretary-General's overall reform process, and we also wish to see a strengthening of the United Nations in the important fields of environment and human settlement.

Finally, I would like to make a few additional comments on some of the issues under this agenda item.

Norway has previously supported arrangements for the Millennium Assembly. This may give Member States an opportunity to discuss and agree upon fundamental policy recommendations and the role of the United Nations in the next century. For this to be successful, there is a need for a true role and a broad-based preparatory process, which should start during the current session of the General Assembly.

With regard to the role of the Trusteeship Council, Norway has yet to be convinced of the need for its reconstitution.

The meeting rose at 6.10 p.m.



General Assembly

Fifty-third Session

68th

plenary meeting

Tuesday, 24 November 1998, 10 a.m.

New York

Official Records

President: Mr. Oportti (Uruguay)

The meeting was called to order at 10.15 a.m.

Agenda item 38

Oceans and the law of the sea

(a) Law of the Sea

Report of the Secretary-General (A/53/456)

Draft resolution (A/53/L.35)

(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

Report of the Secretary-General (A/53/473)

Draft resolution (A/53/L.45)

The President (*interpretation from Spanish*): I call on the representative of Finland to introduce draft resolution A/53/L.35.

Ms. Lehto (Finland): I have the honour, as coordinator, to introduce draft resolution A/53/L.35, under agenda item 38, entitled "Oceans and the law of the sea". The other draft resolution under this item, which concerns large-scale pelagic drift-net fishing, will be introduced by the representative of the United States.

In addition to the 49 countries referred to in document A/53/L.35, the sponsors include Algeria, Croatia, Poland and Singapore.

Draft resolution A/53/L.35 was the result of a series of open-ended consultations among delegations. I would like to express my appreciation to all the delegations that participated in the consultations for their important contributions and their spirit of cooperation. I would also like to thank the staff of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for their valuable assistance to our work.

As in previous years, the focus of the draft resolution is to recall important aspects of the United Nations Convention on the Law of the Sea and to welcome the increase in the number of States parties to the Convention, while encouraging States that have not yet done so to become parties. As the Secretary-General notes in his report (A/53/456), developments in ocean affairs and the law of the sea during this past year, proclaimed the International Year of the Ocean, have clearly signified the overall trend towards universal participation in and adherence to the legal regime established by the Convention. Ensuring a coordinated approach to the implementation of the Convention is now our greatest priority. The draft resolution accordingly calls upon States to harmonize as a matter of priority their national legislation with the provisions of the Convention and to withdraw any declarations that are not in conformity with it.

98-86506 (E)



This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The three institutions created by the Convention, namely, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, have all been established and have commenced their substantive work in areas within their competence.

The draft resolution takes note with satisfaction of the first judgement of the Tribunal, delivered on 4 December 1997. As many representatives are aware, the Tribunal is currently dealing with the merits of a related case.

The draft resolution recalls the comprehensive dispute settlement system established in part XV of the Convention and encourages States parties to consider making a declaration choosing from the means of settlement of disputes set out in article 287. It requests the Secretary-General to circulate and update lists of conciliators and arbitrators drawn up and maintained in accordance with annexes V and VII to the Convention.

The draft resolution notes with satisfaction the progress in the work of the International Seabed Authority and emphasizes the importance of continued progress towards the adoption of the Regulations on prospecting and exploration for polymetallic nodules. The initial draft regulations, also known as the seabed mining code, were prepared by the Legal and Technical Commission of the Authority and were presented to its Council for review in March 1998.

The financial situation of the International Seabed Authority and the International Tribunal for the Law of the Sea continues to be a cause of concern. The draft resolution appeals to all members of the Authority and all States parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal, respectively, in full and on time in order to ensure that they are able to carry out their functions as provided for in the Convention.

The draft resolution also reflects the updated information of the Secretary-General's report on the work done by the Commission on the Limits of the Continental Shelf, which has made substantial progress during its two sessions this year.

It is recalled that the next Meeting of the States Parties to the Convention will be held from 19 to 28 May 1999. During that meeting, on 24 May 1999, the election of seven judges of the International Tribunal for the Law of the Sea will take place.

As the Secretary-General's report notes, the increase in the number of incidents of piracy and armed robbery at sea, as well as the violence of some of these attacks, require our urgent attention. The draft resolution responds to this disquieting information with several new paragraphs. It expresses concern at the increasing threat to shipping from this phenomenon and urges all States, in particular coastal States in affected regions, to take all necessary and appropriate measures to prevent and combat piracy and armed robbery. States are also asked to investigate such incidents wherever they occur and bring the alleged perpetrators to justice.

The draft resolution expresses appreciation and support for the ongoing work of the International Maritime Organization (IMO) in this area and calls upon States to cooperate fully with the IMO to combat piracy and armed robbery against ships.

The draft resolution contains several paragraphs on new developments pertaining to the implementation of the Convention as well as other issues and developments relating to ocean affairs and the law of the sea. It expresses interest in the ongoing work at the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention on the Law of the Sea relating to the underwater cultural heritage, and stresses the importance of ensuring that the instrument to be elaborated is in full conformity with the relevant provisions of that Convention.

The draft resolution takes also note of the work of the Independent World Commission on the Oceans, and of its report entitled "The Ocean ... Our Future", and welcomes its issuance in the context of the International Year of the Ocean.

The draft resolution takes account of the importance of reliable hydrographic and nautical information for the safety of navigation, and invites States to cooperate in this field. States are invited to ensure the greatest uniformity in charts and nautical publications and to coordinate their activities so that hydrographic and nautical information is made available worldwide. The standards established by the International Hydrographic Organization, even though not explicitly mentioned in the draft resolution, quite obviously form the basis on which the desired uniformity in charts and publications can be achieved.

Emphasis is also placed on the importance of education and training in the field of ocean affairs and the law of the sea. Member States and others in the position to do so are invited to contribute to the further development of the Hamilton Shirley Amerasinghe Memorial Fellowship Programme on the Law of the Sea and to support the training activities under the TRAIN-SEA-COAST Programme of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.

The draft resolution highlights the importance of the annual comprehensive report of the Secretary-General and its early issuance, as well as the importance of the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. The Secretary-General is requested to continue to carry out the responsibilities entrusted to him in the Convention and related resolutions of the General Assembly.

The draft resolution reaffirms the decision of the General Assembly to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea. It recalls also that the oceans and the seas will be the main theme for the activities in 1999 of the United Nations Commission on Sustainable Development and reaffirms the decision to consider the results of the review by the Commission of this sectoral theme under the agenda item entitled "Oceans and the law of the sea".

While I commend draft resolution A/53/L.35 to members to be adopted without a vote, I note that this has not been the case in previous years. It has become the practice for a delegation to request a recorded vote on the draft resolution on the law of the sea. A change in this practice, if it were achievable in the future, would certainly be most welcome.

Mr. Pell (United States of America): My delegation has the honour to introduce draft resolution A/53/L.45 on large-scale pelagic drift-net fishing and some other matters. Once again, we would like to extend our gratitude to all those delegations that offered valuable suggestions and worked in a spirit of cooperation to draft this text.

The United States wishes to express its longstanding support for the 1982 United Nations Convention on the Law of the Sea, which now has been ratified by 129 states and one entity. With operative paragraph 1 in mind, we are pursuing ratification with the goal of becoming a party to the Convention and the Part XI amending Agreement.

We believe that the early call in this draft resolution for States to ensure consistent application of the Convention is extremely important. It is in the interest of all that declarations and statements that are not in conformity with the Convention be withdrawn.

Concurrent with this idea of consistency is the call in operative paragraph 20 of draft resolution A/53/L.35 for those involved in the development of a draft convention relating to the underwater cultural heritage to ensure full conformity with the relevant provisions of the Convention on the Law of the Sea.

The United States listened intently to the voices of the non-governmental community at the last meeting of the States Parties to the Law of the Sea Convention. They addressed concerns related to the continuing threats of piracy and armed robbery, against ships, their ship owners, their seafarers, and their economies. This is a real and substantial problem, demanding proactive responses. The United States urges all States to become party to the Maritime Terrorism Convention and its related protocol by the year 2000, and to work together to support the efforts of the International Maritime Organization (IMO) to suppress those threats.

On the issue of migration, the United States pledges its strong support for the work of the IMO and the United Nations Crime Commission to deter and punish parties engaged in dangerous migration practices. The United States further pledges its support for the work of the Crime Commission in the area of combating the increasing problem of transnational organized criminal activity in the trafficking of persons, particularly women and children.

In the past year — the International Year of the Ocean — major emphasis has been placed upon sustainable fisheries. There has been important progress on new global fisheries initiatives undertaken by the Food and Agriculture Organization (FAO) for the management of sharks and to reduce the incidental capture of sea birds in commercial fisheries. The United States urges all countries to actively participate in the next session of the FAO Committee on Fisheries early next year, where work will continue on these very important individual initiatives.

We also wish to reiterate the urgent need for entry into force of the United Nations Fish Stocks Agreement and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by

Fishing Vessels on the High Seas. We urge all Governments, if they have not already done so, to become parties to these agreements at the earliest possible date.

Next year the United Nations Commission on Sustainable Development will take up as its theme oceans and fisheries. The United States believes that one of the most effective ways nations can promote sustainable fisheries is to implement the provisions contained in the United Nations Fish Stocks Agreement, the Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries.

In the next few months we will be reviewing the oceans chapter of Agenda 21 in the Commission on Sustainable Development. As we begin that review we must be mindful that the Law of the Sea Convention sets out the rights and obligations of States and provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources.

As part of our review, we will be looking for ways to effectively implement Agenda 21's call for the General Assembly to provide regular consideration, within the United Nations system and at the intergovernmental level, of general marine and coastal issues. The report of the Secretary-General and the valuable work of the Division for Ocean Affairs and the Law of the Sea will contribute significantly to this overall review. We very much appreciate the work that has gone into the annual report on oceans and the law of the sea.

This draft resolution also refers to the work of the Independent World Commission on the Oceans. We recognize the work that went into this report, under the leadership of our colleagues from Portugal. Many of its ideas should be given consideration by Member States. On the other hand, we wish to register our concern that some of the recommendations in this report are inconsistent with the Law of the Sea Convention, and our support for this draft resolution cannot be seen as an endorsement of the conclusions reached in the Independent World Commission's report.

We continue to believe that a more concerted effort must be undertaken by States, in conjunction with appropriate United Nations bodies, to give full force and effect to the 1995 Global Programme of Action to Protect the Marine Environment from Land-Based Activities. We look forward to continued steady progress on the protection of the marine environment.

Ms. Sucharipa (Austria): I have the honour to speak on behalf of the European Union on agenda item 38, "Oceans and the law of the sea". The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia — and the associated country Cyprus align themselves with this statement.

This year witnessed this century's last world's fair, which was dedicated to the oceans. It was an excellent opportunity to focus the public's awareness on the oceans and their contribution to both the world economy and the world environment. The Lisbon Expo '98, which marked, *inter alia*, the 500th anniversary of the discovery of the route to India, was also a particularly propitious moment for a clear perception of the big problems raised by the management of the oceans at the dawn of the twenty-first century, during which the oceans will become the planet's final frontier.

Expo '98 was also the forum chosen by the Independent World Commission on the Oceans to present, within the framework of the International Year of the Ocean, its final report, entitled *The Ocean ... Our Future*, the recommendations of which have been submitted to the General Assembly by a note circulated as document A/53/524.

The European Union notes with concern the increasing number of instances of piracy and armed robbery against ships and the increased use of violence in such attacks. We believe that there is a need for more effective action to be taken, primarily by both coastal and flag States. To this end the European Union urges all States, in particular coastal States in affected regions, to take all possible action to prevent incidents of piracy and armed robbery at sea and to investigate such incidents wherever they occur and bring those concerned to justice. In addition, the European Union calls on all flag States to ensure that their shipping companies are taking appropriate precautions to protect their ships and crews from attack. We fully support the efforts and initiatives of the International Maritime Organization (IMO) in this regard, and call upon all Governments, particularly those in the areas most affected, to work with the IMO to eliminate these unlawful activities.

The European Union is also deeply concerned about the escalation of cases of illegal trafficking in and the transport of migrants. As the Secretary-General points out in his report, this is a particularly reprehensible form

of organized crime. It jeopardizes the lives of the individuals who are being smuggled, while the perpetrators earn profits and escape justice. The European Union commends the efforts undertaken by the IMO with the aim of combating unsafe practices associated with the trafficking or transport of migrants, particularly by sea. At the same time, we support the initiative taken by some European Union member States to elaborate — under the auspices of the United Nations Commission on Crime Prevention and Criminal Justice and in the context of the general convention against organized transnational crime — a protocol against the smuggling of migrants by sea, establishing the smuggling of migrants as a crime.

The United Nations Convention on the Law of the Sea is the cornerstone of United Nations efforts to solve problems related to the oceans. In recent years, we have seen the number of parties to the Convention rise to 130. Almost all European Union member States, as well as the European Community, are now parties to the Convention itself and to the Agreement relating to the implementation of Part XI of the Convention.

Given the importance of the Convention for the management of the world's oceans, universal acceptance of this instrument is important. This includes universal adherence to the Agreement relating to the implementation of Part XI of the Convention. The Agreement has facilitated the growth in the number of parties to the Convention and has been the key to wide acceptance of the Convention.

The European Union notes that the International Tribunal for the Law of the Sea in Hamburg delivered its first judgement on 4 December 1997. In this context, it is with concern that we take note of the financial situation of the International Tribunal for the Law of the Sea and of the International Seabed Authority. The European Union and its member States therefore urge all parties to the Convention to pay their assessed contributions without delay to these two institutions in order to ensure that they are able to carry out their functions as provided for in the Convention.

A number of States that have ratified the Convention have still not taken the step of adhering to the Agreement. So far, a pragmatic approach has been adopted that has allowed practical difficulties to be avoided. We call upon those States to make the required effort to ratify the Agreement as well. It is important that all States continue to work towards a universal, uniform and coherent body of

law for the oceans and that they become parties to both the Convention and the Agreement.

The universal acceptance of the United Nations Convention on the Law of the Sea should, however, not take place at the expense of its integrity. The European Union once again notes with concern that, notwithstanding article 310 of the Convention, a number of States have made declarations that appear to exclude or modify the legal effect of certain provisions of the Convention. As the Convention clearly states in article 309 that reservations may not be made, such declarations cannot have any legal effect. The European Union observes that the prohibition of reservations contained in article 309 is not merely a restrictive rule; it is an essential safeguard for maintaining the balance struck between the multitude of interests covered by the Convention.

Of equal concern are the rules of national law that appear to deviate from the rules set out in the Convention. A number of States have enacted legislation that seems to run contrary to the Convention and, indeed, to customary law. We underline that the Convention is a package deal, and respect for the integrity of the Convention as a whole must be maintained and guarded.

The European Union is particularly concerned about any development which amounts to creeping jurisdiction, be it through excessive claims or extensive interpretation of the Convention, since such a development would restrict the fundamental principle of the freedom of the high seas.

We would like to call upon all States to ensure that their legislation and its implementation remain within the limits agreed to in the Convention. The European Union stresses the need for a consistent interpretation of the Convention's rules. Not only is there a general obligation under the law of treaties to interpret and apply a treaty in good faith, but it is also in the interest of the world community at large to maintain a consistent interpretation. Those States parties to the Convention that have made declarations or reservations not in conformity with the Convention on the Law of the Sea should reconsider these declarations or reservations with a view to withdrawing them. Moreover, we welcome the fact that the Secretary-General has included this issue in his report on the law of the sea prepared for the General Assembly.

The European Union follows with interest the work undertaken in the United Nations Educational, Scientific and Cultural Organization (UNESCO) towards a convention on underwater cultural heritage. We regret that more progress could not be achieved at the meeting of experts in Paris in June 1998. This was in part because the draft prepared for the meeting was, unfortunately, not compatible with the United Nations Convention on the Law of the Sea. The European Union considers it essential that the work of UNESCO be in full conformity with the relevant provisions of the Law of the Sea Convention.

The Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks contains numerous elements for the effective implementation of the provisions of the Convention relating to fishing. The European Community and its member States signed this Agreement in the second half of 1996. The Council of the European Union decided to ratify the Agreement in June 1997. The instruments of ratification of the European Community and its member States will be deposited together at the United Nations as soon as national procedures are finalized in each State. The procedure for the ratification of the Agreement has begun at both local and national levels within member States. We hope that this process can be concluded within a reasonable period of time.

The European Union and its member States urge the widespread adoption into the national fisheries-sector working practices of guidance offered by the Code of Conduct for Responsible Fisheries. We believe that application of the Code will contribute significantly to the emergence of sustainable, equitable and safe fisheries industries at all levels of investment. We welcome efforts to date by the Food and Agriculture Organization of the United Nations and others to promote the implementation of the Code of Conduct, and we urge greater support to help developing countries benefit from all its provisions. The European Union and its member States will seek to ensure that the provisions of the Code of Conduct govern the Community's fisheries sector relationships with developing countries.

The European Union and its member States recognize the important functions of coastal ecosystems and the value of the services which they provide to human welfare. This is particularly so in the case of small island developing States. We would encourage greater efforts to put into effect the provisions of the Global Programme of Action to

Protect the Marine Environment from Land-Based Activities and of relevant Conventions. The degradation of sensitive coastal ecosystems, such as coral reefs and mangrove forests, has the effect of increasing the extent and depth of poverty in coastal communities. Such habitats should be conserved and managed sustainably.

The European Union and its member States consider that the adoption of a fully integrated approach to the management of coastal resources is essential if there is to be an effective solution to resource-use conflicts which may emerge from time to time in the coastal zones. We equally recognize that sustainable development in coastal areas is dependent upon an adequate understanding of the interaction between natural assets and social and human capital. An intersectoral approach to coastal development fully reflected in national strategies for sustainable development is the key to achieving this.

Turning back to the debate on the law of the sea in this forum, the General Assembly, we wish to stress our attachment to a discussion of this important issue here. The European Union reiterates the view that the General Assembly is the place for a thorough debate on the basis of a comprehensive report by the Secretary-General. While appreciating the broad scope of the report presented by the Secretariat, the European Union regrets again its late distribution, which made it difficult to prepare adequately for the discussion of law of the sea matters. We call upon the Secretary-General to issue the report for the fifty-fourth session six weeks before the discussion in the General Assembly.

Mr. Badji (Senegal) (interpretation from French): Following the example of my immediate predecessor, who addressed this Assembly last year, I wish, in my capacity as Chairman of the Eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in New York from 18 to 22 May 1998, to report on developments that occurred at that meeting and on the outcome thereof.

At the outset, I would note the very interesting discussions held within the constantly expanding family of States that have deposited their instruments of ratification or accession. Today, there are 130 States Parties to the Montego Bay Convention. I take this opportunity to extend my warmest congratulations to the five States that have become Parties to the Convention since our Meeting last May. These States are Belgium, Laos, Nepal, Poland and Suriname.

It is encouraging to see that, as we approach the end of 1998, 77 per cent of coastal States have agreed to be legally bound by the Convention. This is remarkable for a treaty governing such varied and diverse state interests and such sensitive and complex situations. At this rate, we may hope that, in the near future, we will achieve our common objective of universal participation in the Convention.

The fruitful dialogue, hard work and positive atmosphere among delegations to the Eighth Meeting of States Parties once again bore witness to the effectiveness and credibility of the regime established by the 1982 United Nations Convention on the Law of the Sea. The active participation of States in the discussion and their demonstrated sense of commitment proved their devotion to the law of the sea regime.

In accordance with its agenda, the Meeting was called on to consider as a matter of priority the budget of the International Tribunal for the Law of the Sea and other matters relating to the activities and existence of the Tribunal, whose President, Judge Thomas Mensah, submitted the 1997-1998 report with all the competence, wisdom and moral integrity for which he is known.

Mr. Jemat (Brunei Darussalam), Vice-President, took the Chair.

The Meeting focused on the Tribunal's draft budget for 1999 and on its overexpenditures incurred in 1996-1997. The Meeting also had before it equally important matters relating to the work of the Commission on the Limits of the Continental Shelf, specifically to certain points of interpretation that arose when its Rules of Procedure were being drafted.

Before taking up the budget, the Meeting noted the work done by the Tribunal on its own establishment, and in particular on the creation of several chambers, pursuant to the Convention, in order to provide justice more efficiently. The Tribunal also adopted its Rules and a resolution on its own internal judicial practice, as well as guidelines concerning the preparation and presentation of cases before the Tribunal.

In this connection, the Meeting welcomed the first case brought before the Tribunal on a dispute concerning the prompt release of the ship *M/V Saiga*. The international community is eagerly awaiting the judgement on this case, which will certainly confirm the professional approach of this young institution and the importance of its

role in ensuring respect for subtle balances established by the Convention.

The Meeting also welcomed the conclusion, on 18 December 1997, of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea. The Agreement has since entered into force. I believe that these two institutions will, in a spirit of partnership, work together and provide mutual assistance in order to attain their shared objective of promoting smooth and peaceful relations among States.

With respect to the Tribunal's budget for 1999, the Meeting of States Parties approved a total of \$6,983,817, including provision for the establishment of a Working Capital Fund which would be financed, on an exceptional basis, with savings from appropriations in the budget up to a maximum of \$200,000.

The 1999 budget for the Tribunal approved by the Meeting was \$979,834 less than the draft budget initially proposed. This reduction took account of need to make savings, thereby demonstrating the sense of responsibility of the States participating in the Meeting. Despite the reduction, the Tribunal should be able to play its full part and to preserve its authority and credibility as a mechanism, established under the Convention, for the peaceful settlement of disputes.

Nevertheless, it is my duty respectfully to draw this Assembly's attention to arrears accumulated by a large number of States Parties. The amounts involved are such that the situation they have created could seriously jeopardize the future of this young institution. Deprived of the financial resources necessary to carry out its functions, the International Tribunal for the Law of the Sea could be condemned to never being able to fulfil its role as an instrument of peaceful settlement of maritime disputes.

I wish to reiterate the appeal made to States parties to carry out their financial obligations as soon as possible and to pay their contributions in full. This is essential in order to safeguard the independence and the credibility of the Tribunal and the moral integrity of its 21 judges.

Turning to the draft financial rules of the Tribunal and the rules governing the pensions of members of the Tribunal, the number of questions raised during the consideration of these items and the need to study more

thoroughly the implications of the drafts led States parties to defer consideration to the next Meeting.

Finally, with regard to matters pertaining to the International Tribunal for the Law of the Sea, I wish to emphasize that the hope was expressed at the Meeting that in the future the Tribunal would demonstrate tighter management and ensure the promotion of rules of transparency and geographic and linguistic diversity in the recruitment and composition of the Registry personnel.

At our Meeting we pursued a rich and fruitful dialogue with the Commission on the Limits of the Continental Shelf, an organ established by the Convention and consisting of eminent experts whose work accomplished under the chairmanship of Mr. Yuri Kazmin of the Russian Federation has earned the respect and appreciation of all. The Chairman of that Commission submitted three sets of issues to the Meeting of States Parties.

The first set of issues relates to annex I and annex II of the Commission's rules of procedure. Annex I deals with the question of submissions relating to disputes between States with opposite or adjacent coasts or to unresolved maritime or land disputes. The Meeting, in its wisdom, recalled that these very complex and delicate issues were at the very heart of States' interests and were within their own competence and thus could not be the subject of discussion at the Meeting. At its session last August, the Commission adopted its rules of procedure, including annex I, after having considered the written observations submitted by a number of States on the recommendation of the Meeting of States Parties. The Meeting indicated that the rules of procedure deal only with the procedures used by the Commission in fulfilling its functions and should not deal with the rights of States.

Annex II raised issues relating to the responsibility of members of the Commission in the event of their having to consider confidential data. This issue had been the subject of an opinion given by the United Nations Legal Counsel, which stated that Commission members were considered as experts on mission, covered by article VI of the Convention on the Privileges and Immunities of the United Nations. The Meeting of States Parties took note of that legal opinion.

The second set of issues related to the interpretation of the terms "coastal States" and "States". In view of article V of annex II of the Convention, there was the question of determining whether the Commission should

agree to consider a submission made by a State not party to the Convention. In this connection, the Eighth Meeting endorsed the position taken by many States to the effect that the Commission should request the opinion of the Legal Counsel to remove this ambiguity only if the need clearly arose.

Finally, the third set of issues related to the financing of participation at sessions of the Commission by members coming from developing countries. In this connection, the Commission on the Limits of the Continental Shelf proposed to the Meeting of States Parties that perhaps a special trust fund managed by the United Nations Secretary-General should be established. The Meeting requested the Secretariat to study ways and means of enabling all members of the Commission to participate in its work. However, it was recalled that under the Convention, States parties bear the responsibility for covering expenditures related to participation by their experts elected to the Commission.

I cannot conclude without mentioning that the Meeting considered issues that have a negative impact on the development of maritime activities. Despite a 40 per cent increase in activity over the past 10 years, shipping has not faced any major crisis, except for incidents relating to navigation per se. This desirable stability is most certainly due to the regime established in the Convention. However, the international community's attention is increasingly being drawn to phenomena that seriously harm international trade by sea. I am referring to piracy, which is becoming increasingly prevalent in various parts of the world, and to the working conditions of seafarers and the failure on the part of flag States and port States to discharge their obligations under the Convention.

Two non-governmental organizations, the International Chamber of Shipping and the Seamen's Church Institute of New York and New Jersey, which participated in the Meeting as observers, issued an urgent appeal for States to take the necessary measures to combat piracy and to establish new mechanisms to deal with the problems facing seafarers in connection with the multinational nature of crews and the absence of international regulations that can deal with these phenomena.

In conclusion, I would like once again to thank all those who helped me during the work of the Eighth Meeting of States Parties. I hope that that forum, where all maritime interests are heard, can continue its

constructive dialogue, which is conducive to the maintenance of a regime that has preserved peace and security on the seas and oceans of our planet.

In this connection, the Eighth Meeting of States Parties clearly reaffirmed its desire to remain a forum of sovereign and independent States and entities, all equal in their rights and obligations under the source of their common inspiration, the 1982 United Nations Convention on the Law of the Sea.

I wish every success to the Ninth Meeting of States Parties, to be held in New York from 19 to 28 May 1999, at which time, *inter alia*, seven members of the International Tribunal for the Law of the Sea will be elected to fill the seats of those judges whose three-year mandate expires.

Mr. Boisson (Monaco) (interpretation from French): Turning naturally to the sea because of its geography, the Principality of Monaco owes much of its international renown to marine and oceanographic activities whose development since the last century has been consistently encouraged by its Government, inspired by the scientific work accomplished by Prince Albert I, a scientist and humanist, the 150th anniversary of whose birth we celebrate this year.

His successors, and especially the current Sovereign Prince, have continued and strengthened this policy in order to acquire greater knowledge of the marine environment and its riches, and to protect the seas and oceans against pollution and safeguard their resources.

Until recently, the law of the sea in Monaco was governed by many fragmentary, disparate and often quite old texts, some of them dating back to 1867, the date of the code on maritime trade. A decision was therefore taken to provide the Principality with a code that would bring together, in one instrument, all of the provisions relating to the law of the sea, and would make them consistent with the technical and legal imperatives of the contemporary maritime world.

As is indicated by the Secretary-General in paragraph 94 of his report on "Oceans and the law of the sea" (A/53/456), the Principality instituted this Code of the Sea by Law No. 1,198 of 27 March 1998. The Code reflects and updates certain provisions of existing legislation, while introducing at the national level international norms shaped by custom and practice or by the traditional expression of the concerns and the commitments of States. At the

forefront of these references, of course, we find the United Nations Convention on the Law of the Sea of 10 December 1982, as well as the relevant international conventions to which Monaco is a party.

This text considers the sea in its entirety: as an ecosystem, as a space for the circulation of ships and as an area of economic exploitation. In the latter context, it is aimed mainly at achieving two objectives: on the one hand, the safety and security of navigation and of seafarers and the protection of persons on the seas, and, on the other, respect for maritime spaces and the marine environment.

Its rules focus on three vital topics: the sea, persons and navigation.

Provisions regarding the sea, the marine environment, are to be found primarily in the Code's second book, which deals with maritime spaces in Monaco and the marine environment, and in the seventh book, which is on policing territorial and internal waters. These provisions take up the problem of pollution, especially from the standpoint of prevention, by distinguishing among the different types of possible damage to the ecosystem. This provision on protection is complemented by norms applicable to human activities that are not specifically pollutant in nature, such as the exploitation and exploration of the marine environment, the seabed and its subsoil.

Provisions relating to persons are designed to ensure the security of passengers and crew. The Code gives transporters the obligation to ensure the protection of passengers. They must, in particular, put and maintain their ships in a seaworthy state, equip them correctly and take all appropriate safety measures.

The safety of seafarers is taken into account by the provisions concerning the social protection and working conditions that form part of the statute of seafarers. Duration of work, the setting of salaries, rules concerning sailors who are minors, the handling of legal disputes between seafarers and shipowners, etc., are all regulated.

Concerns relating to the protection of human life on the seas and of the marine environment also very much underlie the rules relating to navigation and the use of ships. These rules govern, *inter alia*, the fitting out and chartering of ships as well as shipping and maritime insurance. We might mention, for example, the rules on

the delivery of titles of security and certificates of pollution prevention, which are to a great extent inspired by conventional international law.

The implementation of the Code of the Sea will be carried out by authorities and administrative bodies established for that purpose, which will have both the responsibility of examining the rules to be applied and that of monitoring compliance with the legislation.

A Council of the Sea, composed of qualified officials and of persons appointed on the basis of their competence, will study the texts proposed by the Government. An ad hoc commission, will visit ships to monitor the observance of safety norms on board.

The Director of Maritime Affairs and the Director of Public Safety, as governmental authorities, will have the task of regularly monitoring all questions relating to the Code, from both the administrative standpoint and that of the maritime police.

The implementation of and effective compliance with this legislation will be ensured by a certain number of penal provisions, accompanied by the necessary sanctions.

Monaco's Code of the Sea is intended to be a modern, complete and practical legal instrument. Today, in the year 1998, proclaimed by the General Assembly as the International Year of the Ocean, this text can be considered the clearest symbol of the determination and interest that the Principality of Monaco, loyal to its tradition, intends to show with regard to the vast marine spaces and their resources, which are essential for the progress of humankind, and undoubtedly also for the survival of succeeding generations. It is in this spirit that the authorities of Monaco have asked that the Code be republished in the *Law of the Sea Bulletin*.

Before making a few comments on the draft resolution on oceans and the law of the sea (A/53/L.35), of which the Principality of Monaco is a sponsor, may I express our sincerest thanks to Ms. Marja-Liisa Lehto, Counsellor for Legal Affairs of the Finnish delegation, who successfully and skilfully conducted the informal consultations on this text.

My comments will primarily focus on the thirteenth preambular paragraph and operative paragraph 21, which have to do with hydrography, marine cartography and nautical information.

In this respect, and in its capacity as a member of the International Maritime Organization and the International Hydrographic Organization (IHO), and as host country to the office of the International Hydrographic Organization, the Principality of Monaco wishes to emphasize the importance and essential role of these specialized agencies, and in particular the role of the International Hydrographic Organization, an intergovernmental consultative and technical organization that works tirelessly for the security of navigation and the protection of the marine environment. Its competence, and especially its vast experience in marine cartography, deserves to be mentioned and encouraged.

The maritime countries have the responsibility of ensuring the safety of navigation in their territorial waters and of providing the maritime sector with the vital nautical documents covering those waters. Such a responsibility poses problems that can be effectively resolved only by a national hydrographic service with responsibility in the areas of hydrography and marine cartography.

Hydrography, marine cartography, navigation aids and maritime communications are key factors for maritime safety and for the protection of the marine environment, as well as essential elements for the development of the infrastructures of a nation. In that respect, they relate not only to the ports and to maritime transport but to the exploitation and protection of marine resources.

To that end, the IHO acts as a coordinating body for the promotion of projects designed to establish or strengthen national hydrographic capacities, especially in the developing countries. Consultative visits are organized at the request of any interested State, whether or not it is a member of that organization.

My delegation hopes that the explicit reference to the hydrographic question in the draft resolution that we are preparing to adopt will contribute to strengthening cooperation between the United Nations and the IHO through the conclusion of bilateral agreements between nations aimed at providing technical assistance for hydrographic projects relating to training, skills and the provision of materials and equipment.

As the observance of the International Year of the Ocean draws to a close, my delegation is pleased that the draft resolution takes note of the work of the Independent World Commission on the Oceans and of its report

entitled *The Ocean ... Our Future*. My country joined with the many delegations that considered the result of the work of that Commission a useful contribution to reflection and debate on the oceans. The Independent World Commission on the Oceans formulated conclusions and recommendations with the aim of attracting the attention of political leaders to the future of the oceans, which must no longer be considered merely an inexhaustible source of riches, resources and abundance.

The Principality, which maintains the provisional secretariat of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area, which was adopted in Monaco on 24 November 1996, is in this respect endeavouring to do its part to protect marine fauna and preserve it as best it can for present and future generations.

In the same spirit, a Monegasque institute of the economic law of the sea, a non-governmental organization, deserves to be highlighted. That institute is currently working to develop a draft international convention on pleasure sailing in the Mediterranean, intended to establish a regime specific to an activity that has been developing steadily on all the seas throughout the world, but which will take account of the specific conditions of the semi-enclosed Mediterranean Sea. Every year the institute publishes a French-language handbook of the law of the sea as a tool for all maritime professionals, academics, students, representatives of international organizations and others who work in that area.

Before concluding, I should like to recall that from 20 to 22 October last a meeting of the Mediterranean Commission on Sustainable Development was held in Monaco. That Commission, created in 1996, brought together the 20 coastal countries of the Mediterranean and the European Commission in the framework of preparations for the seventh session of the Commission on Sustainable Development, for which the sectorial topic is the seas and oceans.

The Mediterranean Commission on Sustainable Development is a consultative body that enables the contracting parties to the Barcelona Convention to engage in dialogue and put forward proposals designed to help them define a regional strategy for sustainable development in the Mediterranean. It involves in its work the representatives of local associations, the main socio-economic actors and the competent non-governmental organizations in the field of environment and development.

Obstacles to sustainable development are particularly in evidence in the Mediterranean region. Natural resources — water, forests and the soil — are, in fact, very seriously threatened. Increasingly intensive agriculture and fishing have consequences that are undeniably damaging. Urban development and the development of tourism, especially in coastal areas, affect ecosystems as well as the countryside and historic sites, which are the very sources and means of the region's development, in ways that are sometimes irreversible.

We therefore have a decisive stake in the future of the Mediterranean basin, a fact to which Prince Rainier III drew attention as early as the 1970s by creating Monaco's scientific centre, with its important oceanography department, and by launching the subregional initiative which was to lead to the French Italian Monegasque Commission (RAMOGE) agreement between France, Italy and the Principality of Monaco — an experimental project aimed at jointly combating all forms of pollution in the Mediterranean between the Gulf of Genoa and the Gulf of Lions.

Finally, I should like to refer to the excellent international Expo '98 in Lisbon, devoted to the sea and to the oceans, which provided a wonderful opportunity to enlighten a great many visitors with regard to both the beauty and the fragility of the marine environment.

Mr. Nakayama (Federated States of Micronesia): I have the honour to speak on behalf of the Group of 10 South Pacific Forum member countries represented here at the United Nations in New York (SOPAC): Australia, the Republic of Fiji, the Republic of the Marshall Islands, New Zealand, the Republic of Palau, Papua New Guinea, Samoa, Solomon Islands, Vanuatu and my own country, the Federated States of Micronesia.

For obvious reasons, the ocean is of immense importance to the South Pacific Forum island countries. The Pacific island countries, although varying greatly in terms of resource endowments and land mass, all share a common bond: the Pacific Ocean. We are oceanic States, and together we occupy a vast area of the Pacific Ocean that comprises almost a third of the entire surface of the earth. At this year's South Pacific Forum meeting, held in the capital of the Federated States of Micronesia in August, our leaders focused a great deal of attention on fisheries and other issues relating to the marine environment.

For centuries, the ocean has always been our provider, and its bounty is the principal resource for the economic survival of many of us. The sea brings us together, and its resources represent the most tangible asset for the future sustainable economic development of many of our communities. We are concerned that the great potential that the ocean holds, however, cannot be realized if continued human-induced pollutants and the protection and management of this vital resource are not comprehensively addressed by this body and regional and non-governmental bodies.

We particularly welcome the effort of the world community to focus attention on the ocean by proclaiming this year as the International Year of the Ocean. As the year draws to a close, we call upon all members of the international community to rededicate their efforts to ensure the protection of this valuable resource and to safeguard it from any activities that may have detrimental effects and endanger the ocean environment. We welcome the significant trend towards universal participation and adherence to the legal regime established by the United Nations Convention on the Law of the Sea, and we call upon States that have not ratified the Convention and the three institutions created by it to do so.

Cooperation among States is an essential requirement for the successful implementation of the Convention on the Law of the Sea. The Forum countries are pleased to note the inclusion of specific recognition of the obligation to cooperate in this year's draft resolution on drift-net fishing and other fishing issues, which we hope will command consensus in the Assembly. We reaffirm the importance we attach to sustainable management and conservation of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end.

Cooperation is also recognized as an essential element of the Implementation Agreement on straddling fish stocks and highly migratory fish stocks and, in particular, of regional approaches that are required to put its provisions into practice. We welcome the inclusion in this year's draft resolution of the paragraph on the Fish Stocks Agreement, and we urge all members who have not already done so to sign and ratify the Agreement as a matter of priority. In the Pacific we have taken a proactive approach and have engaged in dialogue with the distant-water fishing nations that fish in our waters. We are now involved in full negotiations with them on a regional arrangement for the conservation and management of our tuna resources.

The Forum countries welcomed the progress achieved during the third session of the Multilateral High Conference, held in Tokyo in June this year, now known as the Western and Central Pacific Fisheries Conference. The valuable support of the Government of Japan in hosting that important Conference is greatly appreciated. We are also particularly grateful to Mr. Satya Nandan, who has supported this process and provided valuable and impartial advice as Chairman of the negotiations.

We take particular note of the significant steps achieved in the negotiations for the development of a legally binding conservation and management arrangement at the Conference. The importance of this arrangement cannot be overstressed in terms of its contribution towards the maintenance of sustainable fisheries in the region, which is beneficial to both the distant-water fishing nations and the Forum island countries, many of whose economic livelihoods are dependent on this one resource.

The Forum called on developed States to honour their obligations and commitments to provide financial assistance to facilitate the participation of Pacific Island countries at future inter-sessional working group meetings and Multilateral High Level Conferences. Such assistance would assist the Forum island countries in the discharge of their management and conservation responsibilities.

At this year's South Pacific Forum meeting, our leaders reiterated their endorsement for the concept of the vessel monitoring system (VMS) for member countries of the Forum Fisheries Agency. This will be progressively implemented for those vessels of the distant-water fishing nations operating in the exclusive economic zones of Forum countries. We call upon the distant-water fishing nations operating in the region to support the VMS initiative. We believe that requiring the use of VMS is currently the most effective and cost-efficient method available for monitoring and surveillance of fishing activities in our respective exclusive economic zones, and is therefore a vital tool in our efforts to combat illegal fishing activities.

SOPAC delegations have been participating actively in the negotiations on the two draft resolutions to be adopted under the agenda item on oceans and the law of the sea. We thank the coordinators of both draft resolutions for their hard work in ensuring that all interested delegations had the opportunity to participate in the discussions. We would also like to thank the Secretary-General for his very useful reports prepared

under this agenda item and to acknowledge the very important work carried out by the Division for Ocean Affairs and the Law of the Sea.

For the SOPAC delegations, the draft resolution on drift-net fishing, unauthorized fishing in zones of national jurisdiction and the high seas, fisheries by-catch and discards and other developments is one of particular relevance and importance. On behalf of the SOPAC delegations, I would like to voice in the strongest terms our support for this draft resolution and our deep collective concern regarding the continuing problems that the draft resolution addresses.

It is with great disappointment that we note the continuing report of drift-net fishing taking place in contravention of the terms of the moratorium agreed upon by the international community in resolution 46/215. This unacceptable mode of fishing has caused the loss of countless marine mammals and seabirds, as well as sharks, turtles and other species. We call upon all States which have not done so to take immediate and effective action to ban illegal drift-netting. In this context, we are pleased to see that for the first time the draft resolution draws attention to the problem of transfer of illegal nets to other parts of the world. If Governments are serious about their commitment to the drift-net ban they must take action to ensure that its enforcement in some parts of the world does not result in the same nets turning up in other parts of the world. The SOPAC delegations reiterate their view that Governments have a responsibility to confiscate and destroy illegal drift-nets. Clearly, efforts to address this problem would also be assisted by developing effective disciplinary regimes for the manufacturing and distribution of drift-nets.

The draft resolution also calls on States to take greater enforcement measures to ensure that their vessels do not fish in areas under the national jurisdiction of other States unless authorized by that State and in accordance with the terms of that authorization. The issue of unauthorized fishing is a crucial one for the South Pacific, and we endorse the call in the draft resolution for development assistance for the monitoring and control of fishing activities.

Another important area for development assistance, in the view of our delegations, should be the facilitation of attendance by representatives of developing coastal States — in particular small island developing States — at significant negotiations on fisheries and other marine issues, such as the process taking place in the Food and Agriculture Organization of the United Nations towards the

adoption of plans of action on incidental catch, sharks and overcapacity. It is important that small island States be able to participate in such meetings where important decisions are being taken regarding fisheries and conservation issues.

The SOPAC delegations look forward to next year's session of the Commission on Sustainable Development, which will focus on oceans and seas. We believe that the Commission is particularly well placed to take an overview of developments in the area of oceans and seas by virtue of its having broad representation from all sectors engaged in ocean issues. We hope that the discussions in the Commission will lead to a more integrated and effective approach to the problems of the oceans.

Mr. Effendi (Indonesia): At the outset, my delegation would like to express its appreciation to the Secretary-General for his annual report on the item entitled "Oceans and the law of the sea", which provides a firm basis for our deliberations. Allow me also to commend the staff of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for the outstanding work carried out during the past year.

This meeting of the General Assembly is being held against the backdrop of some important events in the field of the law of the sea. As we approach the end of the International Year of the Ocean, this is a most fitting time to reflect on the growing universal participation in and adherence to the legal framework laid down by the United Nations Convention on the Law of the Sea. Moreover, the operation of all the institutions created by the Convention attests to the fact that this landmark instrument has paved the way not only for the implementation of a universal legal framework governing the world's oceans, but also for the regulation of those areas for which the Convention was established.

Other significant developments include the opening up for signature of the Protocol on the privileges and immunities of the International Seabed Authority, the signing of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea and the adoption of an interim ordinance by the host country, Germany, pending the conclusion of a Headquarters Agreement. All these bode well for the establishment of global governance for the seas and oceans.

The true success of the Convention, of course, lies in the commitment of Member States to fully abide by its provisions. The fact that 122 Member States have deposited instruments of ratification since its entry into force augurs well for the universality of the Convention, especially by enhancing the widest possible participation of the global community. The full realization of the Convention requires cooperation of such a magnitude as to go beyond the present and well into the future, thereby serving the interests of future generations by making it possible to reap the immense benefits of the oceans while protecting the environment and promoting sustainable development.

On the eve of the next millennium, it is imperative that we make concerted efforts to adopt a national strategy for the oceans based on the principles of integrated management. As the report of the Secretary-General indicates, this is necessary to ensure appropriate coordination for efficient decision-making at the national level. The development of harmonized national practices through a coherent application of the Convention is important. It should therefore be stressed that since the problems of the oceans are closely intertwined, they should be considered as a whole. To this end, the role of the Division for Ocean Affairs and the Law of the Sea as the focal point for a coordinated and integrated approach to activities on the law of the sea should be further strengthened.

Indonesia, as an archipelagic State, attaches great importance to all issues relating to the law of the sea. It has demonstrated its support for the Convention through its active participation in all the bodies created by the Convention since the outset and will continue to play an active role. Since ratifying the Convention in 1985, Indonesia has enacted relevant legislation and has revised its national laws and regulations to ensure conformity with the provisions of the Convention. Indonesia recognizes that the rights of States go hand in hand with their responsibilities, especially with regard to the protection of the marine environment, the proper management of ocean resources and the necessary protection of the rights of other countries.

Indonesia has issued a Government regulation on the list of geographical coordinates of the archipelagic baselines of Indonesia in the Natuna Sea, as stated in the report of the Secretary-General. Such a regulation was necessary due to Indonesia's proposal to establish archipelagic sea lanes in accordance with the Convention, which was approved by the International Maritime Organization (IMO) in May 1998. Furthermore, cognizant

of the fact that this was the first instance whereby IMO adopted a system of archipelagic sea lanes, it is noteworthy that the Maritime Safety Committee has instructed the Subcommittee on the Safety of Navigation to develop a safety of navigation circular and to invite archipelagic States to participate in that exercise. These steps are in line with the draft resolution contained in document A/53/L.35, which calls for States to harmonize their national legislation as a matter of priority with the provisions of the Convention.

Rapid advances in science and technology offer unique opportunities to tap the resources of the vast seas, as well as to face the challenges in preserving the marine environment while ensuring that ocean resources are managed in a sustainable manner. All these objectives can be achieved if we are able to strike a harmonious balance between nature and the needs of humankind. We should therefore make efforts in a spirit of cooperation and understanding to enhance global interaction in order to fully utilize the oceans and seas, including those beyond national jurisdictions, for the common heritage of mankind.

Aware of the fragility of the ecosystems of the Indonesian archipelagic waters, which are threatened both by land-based and vessel-sourced pollution, Indonesia is working towards ensuring that its surrounding waters are utilized in an integrated and sustainable way in order to maintain environmental quality and to provide the maximum benefit for its national development. In this regard, it is appropriate to recall the provisions of Agenda 21 and the Jakarta Mandate on Marine and Coastal Biological Diversity, which called for the improved implementation of a global programme of action to protect the marine environment. To this end, Indonesia has carried out in cooperation with Norway a country study on integrated coastal and marine biodiversity management. It has also initiated the Indonesian Coastal and Marine Environmental Management Project with the assistance of the Asian Development Bank. As an archipelagic State dealing with the associated problems posed by population growth and other economic activities, Indonesia has placed great importance on integrated coastal zone management to tackle these complex questions, and to that end has established the Indonesian National Maritime Council.

Indonesia believes that a regional approach is significant in promoting cooperation in marine affairs. It has over the years demonstrated its commitment to regional cooperation through Association of South-East

Asian Nations (ASEAN) mechanisms as well as the other regional and international organizations to which it belongs. In ensuring good-neighbourly relations, it has concluded a number of maritime agreements with neighbouring countries, reflecting its commitment to maintaining peace and harmony in the region. Within the framework of regional cooperation, the revised East Asian Action Plan for the Protection and Sustainable Development of the Marine and Coastal Areas of the East Asian Region and the Long-term Strategy — COBSEA, 1994-2009 — of which Indonesia has been a member since its inception, is currently being implemented, focusing on a regional and country overview of the sources of land-based activities that pollute the environment and a regional action plan with contributions from each of the member countries.

The real threat posed by the depletion of fishery resources remains a source of concern to the international community. The recent assessment of the Food and Agriculture Organization of the United Nations (FAO) showed that the world's marine fisheries resources continue to decline by 35 per cent, compounded by a high exploitation level of 25 per cent; these are dismal facts. In this regard, the implementation of the 1995 Fish Stocks Agreement, the Code of Conduct for Responsible Fisheries and the Declaration by the Third Conference of Ministers of Fisheries held last year are important initiatives in addressing the need for the rational and long-term utilization of high-seas fisheries.

For developing countries, technical cooperation is essential for meeting their responsibilities and for enhancing their ability to participate in pursuing fishing endeavours in a sustainable manner. Indonesia's recent endeavours in this field have included the issuance of regulations that have made the application of a by-catch excluder device mandatory for shrimp trawler fishery.

My delegation would now like to turn to the growing problem of piracy and armed robbery against ships. The daunting spiralling increase of such criminal acts at sea have propelled this issue to the top of the agenda of a number of organizations such as the International Maritime Organization (IMO), the Meeting of States Parties to the United Nations Convention on the Law of the Sea and the General Assembly itself. No part of the oceans and seas is immune from such criminal activities, including South-East Asia. According to the last annual report of the International Maritime Bureau of the International Chamber of Commerce, in 1997 alone there were 47 reported incidents of attacks in and around Indonesian archipelagic waters. Regrettably, due to the complexity of the

geographical situation of the area, many of these crimes are not even reported to the local authorities.

In this regard, it is our view that enhanced international, regional and bilateral cooperation are a *sine qua non* to tackle this perennial problem. It will also be impossible to effectively deal with such incidents without the exchange of data and information among countries. The convening of regional seminars is another valuable tool to assisting countries in enhancing their capabilities to deter such crimes and in formulating effective strategies to rigorously pursue the eradication of piracy from their coastal waters.

Among the member States of ASEAN, cooperation has proved most beneficial with the establishment of the ASEANAPOL Data Base System. Likewise, the international data network system should be supported by reliable law enforcement. Unfortunately, financial constraints have also made it particularly difficult for the developing countries to combat crimes at sea. In this regard, we support the IMO initiatives, especially that of sending experts to areas with a higher frequency of incidents to discuss the implementation of the IMO Guidelines for Preventing and Suppressing Piracy and Armed Robbery against Ships. As part of the cooperative efforts to combat crimes and armed robbery at sea, an IMO team of experts visited Indonesia last month.

Finally, as in past years, Indonesia is pleased to co-sponsor the draft resolution before us contained in document A/53/L.35, and it earnestly hopes that all Member States will lend it support.

Mr. Ingólfsson (Iceland): The Government of Iceland welcomes the heightened profile of ocean affairs in the global community as demonstrated by the various activities held in connection with the International Year of the Ocean.

Allow me to recall that during this year's general debate, the Foreign Minister of Iceland, Mr. Halldór Ásgrímsson, devoted the bulk of his speech to matters relating to the oceans and the sustainable utilization of living marine resources. He said:

"Our Organization is also confronted with issues of universal nature which can determine the future of humankind, such as the protection of the environment and the delicate balance between economic growth and the conservation of natural resources. In this respect, the protection of the

oceans and the marine ecosystem is one of the most important tasks facing us today." (A/53/PV.16, p. 35)

Allow me to assure the Assembly of my Government's commitment to the protection of the marine environment and the sustainable use of its living resources. This is a longstanding and profound commitment — a commitment deeply rooted in the Icelandic nation's historical relations with the sea. Indeed, we took an active part in the establishment of the United Nations Convention on the Law of the Sea, and we were among the first to ratify it. This is the international Convention closest to our hearts.

In Iceland, we have longstanding experience in ocean affairs. This experience has taught us that it is important to distinguish between global problems, which should be resolved through international measures, and localized problems, which should be resolved through local and regional means.

Most marine pollution typically falls in the former category. Pollution respects no boundaries and must therefore be met with global action. The conservation and sustainable use of living marine resources is, on the other hand, a local and regional matter. Experience has shown that where there is sound scientific knowledge and strong conservation awareness, sustainable use of marine living resources is best secured by local management in partnership with those who live from the resource.

We believe that the fisheries management system of individual transferable quotas now in effect in Iceland allows for the harvesting of these resources in a sustainable and profitable manner.

The importance of regional management of marine resources can not be overstated. This is not only a matter of national sovereignty but also vital for securing sustainable harvesting.

This is not to say that there is no room for international cooperation. Rather, such actions should be of a supportive nature rather than aimed at building international management regimes.

Regional cooperation in the area of science and monitoring is an example of a useful practice. It allows for improved scientific advice, increases transparency and enhances partnership among coastal States and the industry in ensuring the sustainable harvesting of the resource.

The raising of global awareness of the benefits of sustainable fisheries is another case in point. The Code of Conduct for Responsible Fisheries prepared under the auspices of the Food and Agriculture Organization is a useful tool in this regard.

To mention yet another important supportive action, we would highlight the need for an international measure to abolish Government subsidies for the fisheries sector. It has been clearly demonstrated that the overcapacity of the global fishing fleet is the primary cause of the depletion of fish stocks in many regions.

Sustainable development is a concept that calls for partnership and that stands on the three equal pillars of environmental, economic and social consideration.

Traditionally Iceland has been among the sponsors of draft resolutions on oceans and the law of the sea. This time, however, the draft resolution (A/53/L.35) contains a new element, in operative paragraph 24, that we cannot support.

The Independent World Commission on the Oceans has produced an interesting report. This is, however, a report of an independent commission, a report written by individuals, a report that does not reflect the experience and perspectives of all Members of the United Nations. Most importantly, it is not in conformity with the Convention on the Law of the Sea — for instance, with its provisions on the sovereignty of coastal States within their exclusive economic zones. We believe it is imperative to preserve the integrity of the provisions of the Law of the Sea Convention.

We are also of the view that the report misrepresents certain historical facts and that it advocates an approach that would undermine national sovereignty and sustainable harvesting of marine living resources. The report moreover advocates a global institutional approach to the conservation of the ocean and its resources that is not acceptable. This would tend towards moving the management out of the hands of those who have the knowledge and experience to manage the ocean and its resources in a sustainable manner and place it in the hands of people and institutions often far removed from the complexities of managing fisheries resources.

It is therefore with deep regret that Iceland will abstain in the voting on the draft resolution on oceans and the law of the sea, as presented this year.

Mr. Saliba (Malta): Today this body is discussing a very important agenda item: "Oceans and the law of the sea". Malta, having taken the initiative on the law of the sea, will always follow this matter with interest. The reports of the Secretary-General under items 38 (a) and 38 (b) give us a factual overview of the developments pertaining to the United Nations Convention on the Law of the Sea over the last year. They also highlight some of the actual problems that we are facing.

I must, however, add that lately we have also received the report of the Independent World Commission on the Oceans. This report looks at these issues from a more holistic and long-term perspective, without ignoring present realities. I would say that this report is very timely, and I feel that it would be proper to refer to it. This report has presented us with facts and suggestions that we can ignore only to our peril, and even more so to that of future generations.

There are many ways in which one can gauge the importance of oceans and the seas; suffice it to refer to the Secretary-General's statement:

"One recent study has estimated the value of all goods and services related to the oceans as \$21 trillion, as compared with \$12 trillion for those related to the land." (A/53/456, para. 5)

Of course these figures might not be exact; however, their significance is undeniable. The same point is made in the final report of the Independent World Commission on the Oceans.

In reality, it is impossible to put a real monetary value on the water around us, as the oceans are an invaluable resource necessary for the very survival of the planet and of the individual States that depend on the oceans. Let me give the example of my country. How can we, as an island, put a price on this important asset when 75 per cent of our drinking water comes from desalination? Without the sea we cannot survive. This is why we have always given the utmost importance to matters related to these issues.

How can we ignore the fact that if we do not take proper care of the seas and the oceans around us, our livelihood and that of future generations might be jeopardized? The Independent World Commission has referred to this important issue. Furthermore, the Commission points out, very rightly, that the concept of

the common good is of paramount importance and that high seas cannot be appropriated by any State.

We note with satisfaction that in his report the Secretary-General refers to the fact that, since entering into force, the Convention on the Law of the Sea has received 67 more instruments of ratification, which brings the number of States parties, including the European Commission, to 127. This is certainly an indication that more and more States are recognizing the importance of these issues.

Apart from realizing the importance of the oceans and seas, the international community must also look at the problems we are facing here and now — problems highlighted in the Secretary-General's report. One of these is the traffic in narcotic drugs and psychotropic substances. This is a problem that not only concerns countries of supply, but all of us, since as the report of the Secretary-General states,

"increasing quantities of drugs are also being moved by circuitous routes, using ports in countries that are not drug producers." (A/53/456, para. 124)

In this respect, we note with satisfaction that the United Nations International Drug Control Programme is working on assembling materials that might be used for model legislation by States to fulfil their obligations pursuant to article 17 of the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

One other issue raised in the report of the Secretary-General is that of illegal trafficking of migrants by sea. Unfortunately, the Mediterranean is witnessing a substantial increase in this practice. All Governments concerned — those of the countries from where illegal immigrants start their voyage, as well as those of the countries where these unfortunate persons end their difficult journeys — must cooperate and find ways to put a stop to this crime.

Over recent months in the Mediterranean we have seen the inhumane treatment of fellow human beings. We have seen traffickers who, when they were in danger of being caught by coast-guard patrols, were prepared to throw innocent people overboard. These incidents have even involved children. These callous acts call for strong action in trying to stop this illegal and inhumane trade. One important factor in this fight against this despicable crime should certainly be sentences that would discourage

this trade. People who are prepared to trade on the misery of others should find no refuge in the lack of legal instruments or cooperation between States.

Another major concern of my country in marine-related issues is that of fishing. In this regard we note with dismay parts of the report of the Food and Agriculture Organization (FAO), such as what is cited in paragraph 26 of document A/53/473:

"As far as FAO is aware, the Mediterranean Sea is the only region in the world where large-scale pelagic drift-net fishing gear (i.e., nets in excess of 2.5 km) is being deployed."

Malta has already made its voice heard and taken the initiative in the FAO's General Fisheries Commission for the Mediterranean on this particular subject.

We have also supported efforts to eliminate this practice from our region, a practice which is rapidly depleting one of the natural resources of the Mediterranean Sea.

In this context, we note with satisfaction the decision taken by the European Union in June of this year to eliminate drift-nets over a period of three and a half years. In welcoming this important decision, it is Malta's hope that all Mediterranean countries, and those countries that use the Mediterranean for fishing purposes, will adopt a similar position in the shortest possible time.

Of course, one cannot ignore the issue of pollution of the marine environment. We hope that legal and technical experts will soon be able to reach agreement on rules and procedures for the determination of liability and compensation for damages resulting from marine pollution. The effects of the pollution of the marine environment are quite obvious.

The reports of the Secretary General on the law of the sea (A/53/456) and large-scale pelagic drift-net fishing (A/53/473), together with the report of the Independent World Commission on the Oceans, convince us even more of the necessity of safeguarding the seas and oceans for future generations.

These important assets are given to us in trust, and if we do not look after them properly we will be doing so not only to our own detriment but even more so to that of future generations. My delegation looks forward to the forthcoming session of the Commission on Sustainable

Development, which will be dedicating an important part of its work to the oceans. My delegation believes that the International Year of the Ocean has helped highlight present and future problems, and we feel that a forum is needed to discuss these issues. We therefore look forward to the coming session of the Commission on Sustainable Development, which we hope will study the initiative of my Deputy Prime Minister, who in his address to this Assembly proposed the institution of a biennial committee of the whole to review ocean-related questions in an integrated manner.

Finally, we are also proud to associate ourselves with the letter dated 16 October 1998 from the Permanent Representative of Portugal addressed to the General Assembly contained in document A/53/524. This letter contains an annex on the results of the work of the Independent World Commission on the Oceans, with which we fully concur.

Following in the footsteps of an illustrious predecessor of mine, Mr. Arvid Pardo, I renew my country's commitment to the issues of the oceans and the seas. Malta stands ready to work with other countries to examine new initiatives that will enhance and protect our common heritage.

Mr. Kolby (Norway): The year 1998 was proclaimed the International Year of the Ocean, and, as stated in the Secretary-General's report on oceans and the law of the sea, developments in ocean affairs and the law of the sea have clearly signified the overall trend towards universal participation in and adherence to the legal regime established by the United Nations Convention on the Law of the Sea.

We agree with the Secretary-General's statement that the efforts of the international community are now directed at ensuring a coordinated approach for the implementation of the Convention by harmonizing national legislation and policy developments with the provisions of the Convention. This was also a main conclusion that could be drawn from the seminar entitled "Order for the oceans at the turn of the century", which was organized on the occasion of the International Year of the Ocean in Oslo in August 1998 by the Fridtjof Nansen Institute and with funding from the Norwegian Government.

The three institutions created by the United Nations Convention on the Law of the Sea have all been established, and we welcome the commencement of their

substantive work. We note with satisfaction that the International Seabed Authority has made considerable progress in the past year, including the drafting of the seabed mining code and the approval of work plans for exploration by seven registered pioneer investors. The International Tribunal for the Law of the Sea, through its first judgement on 4 December 1997, has shown its readiness to handle cases submitted to the Tribunal. Also in 1997, the Commission on the Limits of the Continental Shelf completed the drafting of its rules of procedure. We welcome the Commission's formal adoption of these rules of procedure in September of this year.

While underlining such positive developments, we note with concern the information contained in the report of the Secretary-General relating to States' attempts through declarations to attach conditions which may modify the legal effects of provisions of the Convention. According to the report, at least 14 out of the 46 declarations made upon ratification or accession seem not to be in conformity with the provisions of article 310, nor to be supported by any other provisions of the Convention or by any rule of general international law. In this connection, I would like to recall that when ratifying the Convention in 1996, Norway issued a declaration to the effect that it objected to any national declarations or statements that were not compatible with the provisions of articles 309 and 310.

Inconsistencies between national legislation and the rules set out in the United Nations Convention on the Law of the Sea in some areas are a matter of great concern. The Secretary-General's report points out the positive trend of States adapting their legal practice to the provisions of the Convention. However, this should not lead to the conclusion that the provisions of the Convention are fully respected in all cases. It does not apply, for instance, with respect to the right of innocent passage in the territorial sea or regulating marine scientific research.

It is important to emphasize that the success of the Convention depends on respect for its provisions, its unified character and the need to harmonize national legislation with the Convention. It is therefore encouraging that the compliance of States with the provisions of the Convention regarding the establishment of the outer limits of maritime areas is very high. As concerns the breadth of the exclusive economic and fishery zones, the practice of States seems to show a total compliance with the provisions.

Norway reserves its position with regard to the desirability of the proposed convention on underwater cultural heritage under preparation at the United Nations Educational, Scientific and Cultural Organization (UNESCO). The draft under discussion still contains regulations on important jurisdictional issues which are not in conformity with the principles of the United Nations Convention on the Law of the Sea. It is of great importance to avoid any new regulation that could disturb the carefully balanced package of jurisdiction in maritime areas reflected in the Convention. This package was the result of nine years of complex negotiations. In any case, it would be premature, only four years after the entry into force of the Convention, to adopt new regulations on jurisdictional issues which depart from that Convention, while the full potential of the relevant article of the Convention — namely, article 303 — has not yet been utilized. Any new regulations for the protection of the underwater cultural heritage must be in full conformity with the relevant provisions of the Convention, including those concerning the sovereign rights and jurisdiction of the coastal State and the rights and duties of the flag State.

Norway also reserves its position with regard to whether or not UNESCO is the appropriate forum for the negotiation and adoption of such a convention. Norway is concerned by the proliferation of negotiating processes and decision-making in a number of international bodies, as well as the conclusion of new international agreements with direct relevance to the international order of the seas. Norway is convinced that the General Assembly can and should, through the item currently under debate, provide necessary guidance and coordination. Thus, we co-sponsored draft resolution A/53/L.35, which adequately reflects significant developments. Let me, in this connection, express our appreciation for the valuable efforts of Mrs. Lehto of Finland as Coordinator.

The escalation and global reach of organized crime may in many cases be a threat to peace and security and certainly is a threat to maritime transport. The increase in acts of piracy and armed robbery against ships is alarming and a matter of great concern to the shipping industry. Norway therefore supports initiatives taken to combat these acts of violence. In particular, efforts to implement the International Maritime Organization (IMO) Guidelines for Preventing and Suppressing Piracy and Armed Robbery against Ships are noteworthy. In addition, we have observed commendable efforts to prevent illegal trafficking in and transport of migrants. We have taken due note of the initiative of Austria and

Italy to identify elements for an international legal instrument in this respect. In this connection, we would like to underline the absolute obligation derived from the international law of the sea to provide assistance to persons in distress, in conformity with article 98 of UNCLOS.

The IMO also plays an important role in a number of other fields closely related to the implementation of the Convention, for instance, in connection with the marine environment and measures to protect sea areas from the unwanted consequences of shipping activities. Further, Norway attaches great significance to the IMO Guidelines and Standards for the Removal of Offshore Installations and Structures, which can be considered as constituting the generally accepted international standards in this area. We note that more stringent requirements for the removal of offshore installations and structures have been adopted in some regional instruments — for instance, the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic.

Norway would also like to underline the IMO role as the international body responsible for considering traffic separation schemes and routing measures, which have direct bearing on navigation through international straits as well as archipelagic sea lanes. We note that the Maritime Safety Committee, at its sixty-ninth session, adopted two new traffic separation schemes off the coast of South Africa and a new scheme off the coast of Spain.

A sound development of fisheries resources is of fundamental significance to Norway. It is therefore with great concern that we have to recognize that fisheries management generally has failed to protect resources from being overexploited and fisheries from being economically inefficient. This is the case despite the fact that the problems of fishery management are widely recognized and in spite of the adoption of the 1995 Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries. The main reasons for this situation, as underlined in the Secretary-General's report, seem to be, *inter alia*, the lack of political will to make difficult adjustments, a lack of control of fishing fleets by flag States, and the continued use of destructive fishing practices. It is a serious matter when assessments from the Food and Agriculture Organization of the United Nations (FAO) show that over 35 per cent of the world's major fisheries resources were showing declining yields.

Norway was among the early ratifiers of the 1995 Fish Stocks Agreement and hopes that the process of ratification that has been undertaken by a number of States

will very soon lead to its entry into force. At the same time, it ought to be stressed again that the status of fisheries on the high seas is in certain cases so alarming that one cannot await the entry into force of the 1995 Agreement in order to take action. Unregulated fisheries need to be brought under control, and this is a precondition for the sustainable development of important fisheries. We therefore welcome the different initiatives initiated by regional fisheries organizations. The Northwest Atlantic Fisheries Organization (NAFO) has adopted a resolution introducing a scheme to promote compliance by non-Contracting Party vessels with the conservation and enforcement measures established by NAFO. We agree with the Secretary-General when he says that the port State's enforcement of the International Commission for the Conservation of Atlantic Tunas and NAFO's scheme for promoting compliance seem to epitomize a positive trend prevailing within subregional and regional fisheries organizations. The recent annual meeting in Australia of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) reinforces this perception. The meeting focused on new measures to reduce illegal, unreported and unregulated fishing.

In this connection, we think it is pertinent to inform the Assembly that Norway has general regulations covering fishing activities in areas beyond national jurisdiction, in addition to specific regulations for certain areas — for instance, the CCAMLR area. The regulations apply to fishing vessels flying the Norwegian flag on stocks not regulated by national authorities. It is prohibited to engage in such activities without prior registration at the Directorate of Fisheries.

Let me conclude by stressing that harmful fishing practices and unwanted catch are a major problem affecting marine biodiversity. There is a need to look closer into the adoption of management measures that can reduce this problem, such as closed seasons, closed areas and legal minimum fish sizes. Norway is strongly concerned about the problem of by-catch and discards and we will seek to advocate measures that could contribute to eliminating this problem.

Mr. Jordán Pando (Bolivia) (*interpretation from Spanish*): The delegation of Bolivia is honoured to speak on agenda item 38, "Oceans and the law of the sea".

The delegation of Bolivia welcomes the Secretary-General's report, contained in document A/53/456, on oceans and the law of the sea, which allows us to assess

the balanced implementation of the United Nations Convention on the Law of the Sea and the development of the three institutions created by it: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

We also wish to emphasize that on the occasion of the International Year of the Oceans special attention must be placed on the fundamental importance of oceans to the well-being of the planet and on the need to protect and preserve strategic marine resources through ecologically sustainable development with a view to the ordered and sustainable global development of existing uses and resources.

The benefits of the uses and resources of the sea to the world economy are numerous and of great importance to the social and economic development of nations and humanity as a whole. It is in this regard that the review of the Commission on Social Development on the subject of the oceans and seas in 1999 is of major importance.

Dynamic technological and scientific progress in the exploration of and exploitation of the oceans presents new opportunities and renewed challenges to be met. It is within this framework that the General Assembly, in fulfilment of its oversight role regarding ocean affairs and the law of the sea, has before it the task of becoming quickly involved in the development of strategies to identify, face and provide solutions to those challenges.

The delegation of Bolivia emphasizes the progress achieved by the Legal and Technical Commission of the International Seabed Authority in drafting the seabed mining code. My delegation hopes that in the course of its work it will consider the results of the technical meeting on the establishment of guidelines to examine the possible impact on the environment of the search for polymetallic nodules in deep seabeds. This recommendation will be particularly significant in the consideration of the draft seabed mining code and of future concessions for exploration and exploitation of the zone.

Resolution 52/183 of 18 December 1997, entitled "Specific actions related to the particular needs and problems of landlocked developing countries", is of fundamental importance to Bolivia, since my country was not landlocked in the past, yet was deprived of its natural maritime condition as a consequence of a hostile confrontation and an imposed and unjust treaty, which ended by closing it off, stripping it of small coast of vital lands that also constituted our sovereign access to the

Pacific, an essential aspect of our very existence and our geopolitical calling as a link between the major basins of South America. Ironically, that enclosure was carried out by a country with a 4,000-kilometre coastline from north to south.

In this temporary situation, Bolivia is deprived of the full exercise of the rights and obligations enshrined in the United Nations Convention on the Law of the Sea and is affected in terms of full economic and social development and as a recipient of investments and migrant flows, among other things. Accordingly, we have had to adopt a set of regional cooperation agreements that allow us limited, but always landlocked, freedom of transit.

In this context, part X of the Convention is of fundamental importance to our country. Thus, Bolivia raises the need to increase bilateral and multilateral cooperation in terms of transit, infrastructure, costs and studies on the economic impact on landlocked developing countries or those deprived of access to the sea.

Recent specialized economic studies, including the report of the Trade and Development Board of 1983 and the 1979 report of the Commission of the Cartagena Agreement, have convincingly shown the magnitude of the negative impact that being landlocked or deprived of access to the sea has on the economic growth of developing countries. For my country, the costs, assessed by a Harvard consultant who studied only a continuous 10-year period of enclosure, would exceed more than \$4 billion per year, from which we can deduce the significant loss of Bolivian gross domestic product over almost 120 years of maritime dismemberment.

Against this background, international cooperation is of considerable importance in meeting the needs stemming from these realities, as recognized in a series of resolutions and declarations adopted by the General Assembly, United Nations conferences and specialized agencies, as well as within the overall context of cooperation in matters of transit transport between landlocked developing countries and the donor community.

In this context, Bolivia welcomes the call by the Secretary-General, at the request of the General Assembly, to hold a meeting in 1999 of governmental experts from developing countries that are landlocked or deprived of access to the sea, transit representatives and representatives of donor countries and financial and

development institutions to evaluate and determine sectoral and comprehensive solutions in this area. Not all landlocked countries have full access to economic and social development. Studies should be conducted on, for example, which landlocked countries have full access to economic and social development, as well as on the conditions under which other landlocked countries could do so. They have or do not have full access to economic and social development, and this is linked to human rights and the rights of peoples. No country can permanently enclose another one, nor can any country pay the price of perpetual war. That would mean condemning countries to not having full access to economic and social development.

In view of the need to contribute to the development of a complete study on the transit problems of countries that are landlocked or deprived of access to the sea, the texts of the bilateral and subregional agreements and treaties in force that regulate Bolivia's restricted access to and from the sea and its freedom of transit will be duly deposited with the Division for Ocean Affairs and the Law of the Sea.

Finally, the Bolivian delegation emphasizes the positive work carried out by the Secretary-General in fulfilment of resolution 52/26, on oceans and the law of the sea.

Mr. Petrella (Argentina) (*interpretation from Spanish*): The debate that we have every year in this Hall is, in our opinion, of great importance in promoting adherence to the Convention on the Law of the Sea and other, related treaties, and in encouraging the effective work of ocean institutes and cooperation among States.

My delegation wishes to express its gratitude to the Secretary-General for his thorough reports on the subject and to the Legal Counsel and the Division for Ocean Affairs and the Law of the Sea for their able work and assistance to delegations.

Argentina, as a State with a long coast on the South Atlantic, attaches considerable importance to maritime issues. Consequently, we participated actively in all stages of the process that began at the Third United Nations Conference on the Law of the Sea, and we remain particularly active in all initiatives aimed at consolidating the system.

For this reason, Argentina is gratified that this year, which has been proclaimed the International Year of the Ocean, we see a universal trend to adhere to the legal

regime established by the Convention on the Law of the Sea and to participate in it. It is particularly satisfying that the three institutions created by the Convention — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have now been established and have begun to do substantive work in areas under their competence.

We agree with the Secretary-General that the Convention on the Law of the Sea has allowed for stable relations among States, thus contributing to international peace and security. It is important that initiatives continue to be taken to resolve pending problems and controversies relating to the sea and oceanic resources. In this context, the increase and global spread of organized crime, which has particularly affected maritime transport, is of great concern. The international community must continue to step up its efforts against this form of crime and in particular to combat the constant increase in acts of piracy and armed robbery against ships, in connection with which we see an increasing level of violence.

In addition to their impact on peace and security, the ocean and its resources are of great importance to the world economy. Argentina, with a 4,500-kilometre coastline that is home to significant living resources, wishes to stress its desire to preserve the marine environment and adopt the necessary measures for this purpose in accordance with international law. Furthermore, Argentina has an active policy of conserving its living marine resources, and we have adopted laws to prevent excessive exploitation of maritime areas under our jurisdiction or sovereignty.

At the international level, it is disturbing that, despite the adoption of instruments such as the 1995 Agreement on straddling and highly migratory fish stocks, it has not yet been possible to have a general set of fishing regulations that can protect fishing resources from excessive exploitation. Recent assessments show a trend towards a decline in global fishing resources, and this should stimulate the efforts of the international community to combat harmful fishing practices and adopt the necessary measures to achieve effective compliance with conservation regimes.

Miss Durrant (Jamaica): I have the honour to speak on agenda item 38, "Oceans and the law of the sea", on behalf of the 14 member States of the Caribbean Community (CARICOM) which are Members of the United Nations.

The Assembly will be well aware of the special affinity of CARICOM member States to maritime affairs, given the fact that the Community comprises 12 single-island or archipelagic States and three coastal States. The social and economic development of our countries is inextricably linked to the sustainable development and use of the Caribbean Sea and all its resources.

Member States of the Caribbean Community continue to regard the United Nations Convention on the Law of the Sea as an important framework for national, regional and global regulation of the use of the oceans and their resources, and maintain a keen interest in the activities of the three major organs created by the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

CARICOM delegations are deeply appreciative of the comprehensive reports provided by the Secretary-General under this agenda item, as contained in documents A/53/456 and A/53/473. We wish to thank the representatives of Finland and the United States for having introduced the draft resolutions contained in documents A/53/L.35 and A/53/L.45, which we are pleased to support. We also wish to acknowledge the outstanding contribution made by the United Nations Division for Ocean Affairs and the Law of the Sea in the monitoring of developments relating to the oceans and the law of the sea. We commend the Division for its ongoing provision of advice and technical assistance, particularly to developing countries, in the effective implementation and consistent application of the provisions of the Montego Bay Convention and the Agreement relating to the implementation of Part XI of the Convention. In addition, the Division's Web site has been of tremendous value to our national implementing agencies through the timely dissemination of information.

We are especially pleased to note that a number of States, including our sister State, Suriname, have ratified the Convention in the last year, bringing the number of States parties to 130. We are mindful, however, that although the Convention came into force four years ago, it is still being provisionally applied by some States. It is our hope that universal ratification or accession to the Convention and the Agreement can be achieved at an early date. We must not lose sight of the fact that the resources of the seas are the common heritage of mankind. It is therefore important that all States adhere to the Convention and the Agreement as a demonstration of their commitment to global cooperation and the development of the requisite

scientific and technological expertise for the effective and responsible use of these resources.

When we addressed the Assembly last year, CARICOM delegations expressed the hope that the Council of the International Seabed Authority would have completed its negotiation of the mining code for the prospecting and exploration of polymetallic nodules. Regrettably, that objective has not been achieved, but we acknowledge the significant progress which was made during 1998.

Having approved the plans of work of seven pioneer investors for the exploration of the international seabed area over a year ago, it is important that the International Seabed Authority move speedily towards the adoption of a mining code which will provide an appropriate regulatory mechanism for the exploration and eventual exploitation of the resources of the seabed. We therefore urge all Member States to continue to participate in the ongoing negotiations to facilitate the conclusion of an appropriate code by the next session of the Authority, in 1999.

The States members of the Caribbean Community have noted the decision of the Assembly of the International Seabed Authority to hold a single session in August 1999, instead of the customary two sessions, in the light of the prevailing budgetary constraints. We consider it important to ensure that the substantive work of the Authority, relating to the implementation of its mandates under the provisions of the Convention, is not impeded by the lack of adequate resources. In this regard, we call for the cooperation of full members as well as provisional members in meeting their financial obligations to the Authority, in demonstration of their stated commitment to the process of multilateral cooperation on ocean affairs and the law of the sea.

We commend the President of the Council of the International Seabed Authority, Mr. Joachim Koch of Germany, for his contribution and dedication to the advancement of the work of the Authority in 1998, particularly in the face of the many challenges facing the institution. We also acknowledge the important leadership and direction which the Secretary-General, Mr. Satya Nandan, continues to provide to the Authority.

The Caribbean Community welcomes the recent adoption of the Protocol on the privileges and immunities of the International Seabed Authority. We are also pleased to report that the Government of Jamaica has

expanded the physical facilities provided to the secretariat of the Authority in Kingston, in order to enhance its capacity to serve the needs of member States.

The Caribbean Community wishes to commend the International Tribunal for the Law of the Sea for its expeditious action in delivering its first judgement in respect of a dispute between two States parties, including a State member of the Caribbean Community. We regard that achievement as an indication of the significant role to be played by that judicial organ in the early and comprehensive settlement of disputes relating to the interpretation and application of the Convention, as a means of pre-empting any possible unilateral action by the parties concerned which could exacerbate the matter in dispute.

We are also pleased to note the progress made by the Commission on the Limits of the Continental Shelf at its sessions in 1998, which led to the adoption of the rules of procedure, as well as the provisional adoption of its scientific and technical guidelines. The early formal adoption of these guidelines will undoubtedly be helpful to States in preparing submissions regarding the outer limits of their continental shelf.

The States members of the Caribbean Community are committed to the responsible use and sustainable development of the resources of the oceans and seas. In order to fulfil our commitments under the Convention, we are taking steps to synchronize our national policies and legislation at the regional level. In recent months, some of our member countries have established national councils to achieve the integrated management of our ocean and coastal-zone areas. We have also jointly established mechanisms for regional consultations on marine and coastal affairs so as to promote regional action which will facilitate the implementation of multilateral strategies, such as the Barbados Programme of Action and Agenda 21, in relation to the protection of the marine environment in the Caribbean region.

States members of the Caribbean Community recently participated in the meeting of Contracting Parties to the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, which negotiated a Protocol to prevent, reduce and control pollution of the marine environment from land-based sources.

The geophysical structure of our small island and coastal States makes their marine ecosystems and

biodiversity resources particularly vulnerable to natural disasters, as well as to human activity, including damage to coral reefs. CARICOM member States wish to encourage increased international cooperation in scientific research on the genetic resources of the sea, as well as the underwater cultural heritage, in all regions of the world. We look forward to further discussion at the global level on all of these issues at the seventh session of the Commission on Sustainable Development, in 1999, and we hope that this will lead to the development of intensified strategic action on the sustainable use of marine and coastal resources for development.

The States members of the Caribbean Community attach great importance to our living marine resources, particularly the straddling fish stocks and highly migratory fish stocks. We therefore regard the Agreement governing the conservation and management of straddling fish stocks and highly migratory fish stocks as an important element of the implementation of the Convention. Some States are informally applying that Agreement on a provisional basis and the majority of States are currently taking steps to ratify the Agreement and to adopt legislation to facilitate its implementation. We also consider it important for States to adhere to the Code of Conduct for Responsible Fisheries.

A healthy marine environment is of paramount importance to the social and economic development of our countries. We therefore wish to reiterate our concern about the ecological threat to our marine space as a result of the transportation of hazardous waste and nuclear fuel by sea, including through the Caribbean Sea. We urge bodies such as the International Maritime Organization and the International Atomic Energy Agency, which are charged with the responsibility of monitoring such activities, to promote increased scientific research and increased public awareness of the potential dangers of these substances to both land-based and marine resources. We consider it important that appropriate international attention be brought to bear on the undesirable practice of transporting those substances by sea.

Our Governments are equally concerned about the increasing use of the oceans and the territorial waters of coastal States for criminal activity at sea, including piracy, armed robbery, and the illicit trafficking in drugs and firearms. We therefore support the call for the United Nations to take steps to strengthen the maritime law enforcement capacity of States, particularly the small island developing States around the world.

The commemoration of the International Year of the Ocean in 1998 has served to heighten and create greater public awareness of the importance of the oceans and their resources. We wish to commend the Independent World Commission on the Oceans for its timely report entitled *The Ocean ... Our Future*; the Commission's recommendations have been presented to the Assembly in document A/53/524. The States members of the Caribbean Community express their gratitude to the Government of Portugal and to the European Union for facilitating their individual and collective participation in the Lisbon Expo '98. That exposition constituted a global showcase of the effective use and development of the world's marine resources for the achievement of a better quality of life for all our peoples. Most importantly, it demonstrated the importance of the responsible management of the invaluable resources of our oceans and seas, not only in the promotion of economic development and environmental protection, but also in the maintenance and strengthening of international peace and security.

Programme of work

The President in the Chair.

The President (*interpretation from Spanish*): I should like to make an announcement in connection with agenda

item 59, "Question of equitable representation on and increase in the membership of the Security Council and related matters".

As I informed the Assembly yesterday, it is my intention to convene soon a meeting of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, to elect its Vice-Chairmen.

Paragraph 7 of General Assembly resolution 40/243 states that

"no subsidiary organ of the General Assembly may meet at United Nations Headquarters during a regular session of the Assembly unless explicitly authorized by the Assembly".

May I take it that the General Assembly agrees with my proposal to convene a meeting of the Working Group on agenda item 59 during the main part of the fifty-third session of the General Assembly?

It was so decided.

The meeting rose at 1 p.m.